IMT Nuremberg Archives

H – 16

International Court of Justice

File copy

H0016-0002

Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 6 December 1945, 1000-1300, Lord Justice Lawrence, presiding.

THE PRESIDENT: The Tribunal has received an urgent request from the defendants' counsel that the trial should be adjourned at Christmas for a period of three weeks. The Tribunal is aware of the many interests which must be considered in a trial of this complexity and magnitude, and as the trial must inevitably last for a considerable time, the Tribunal considers that it is not only in the interest of the defendants and their counsel but of every one concerned in the trial that there should be a recess. On the whole it seems best to take that recess at Christmas rather than at a later date when the Prosecution's case has been completed. The Tribunal will therefore rise for the Christmas week and over the 1st of January, and will not sit after the session on Thursday, the 20th of December, and will sit again on Wednesday, the 2nd of January.

JUSTICE JACKSON: I should like, in justice to my staff, to note the American objection to the adjournment for the benefit of the defendants.

SIR GRIFFITH-JONES: May it please the Tribunal, the Tribunal will return to Part 3 of that document book, in which I included the documents relating to the earlier discussions between the German and Polish governments on the question of Danzig. Those discussions, the Tribunal will remember, started almost immediately after the Munich crisis in September 1938, and started, in the first place, as cautious and friendly discussions until the remainder of Czechoslovakia had finally been seized in March of the following year.

I would refer the Tribunal to the first document in that part, TC 73, No. 44. This document, taken from the Official Polish White Book, which I put in as Exhibit GB 27, gives an account of a luncheon which took place at the Grand Hotel, Berchtesgaden, on the 25 October, where Ribbentrop saw M. Lipski, the Polish ambassador to Germany:

H0016 - 0003

"In a conversation on 24 October, over a luncheon at the Grand Hotel, Berchtesgaden, at which M. Hewel was present, M. von Ribbentrop put forward a proposal for a general settlement of issues (Gesamtloesung) between Poland and Germany. This included the reunion of Danzig with the Reich, while Poland would be assured the retention of railway and economic facilities there. Poland would agree to the building of an extra-territorial motor road and railway line across Pomorze. In exchange M. von Ribbentrop mentioned the possibility of an extension of the Polish-German Agreement by twenty-five years and a guarantee of Polish-German frontiers."

I don't think I need read the following lines. I go to the last but one paragraph:

"Finally, I said that I wished to warn M. von Ribbentrop that I could see no possibility of an agreement involving the reunion of the Free City with the Reich. I concluded by promising to communicate the substance of this conversation to you."

I would emphasize the submission of the Prosecution as to this part of the case and that is that the whole question of Danzig was, as indeed Hitler himself said, no question at all. Danzig was raised simply as an excuse, a so-called justification, not for the seizure of Danzig but for the invasion and seizure of the whole of Poland, and we see it starting now. As we progress with the story it will become ever more apparent that that is what the Nazi Government were really aiming at, only providing themselves with some kind of crisis which would afford some kind of justification for walking into the rest of Poland.

I turn to the next document. It is again a document taken from the Polish White Book, TC 73, No. 45, which will be GB 28. TC 73 will be the Polish White Book, which I shall put in later. That document sets out the instructions that Mr. Beck, the Polish Foreign Minister, gave to Mr. Lipski to hand to the German Government in reply to the suggestions put forward by Ribbentrop at Berchtesgaden on the 24 October. I need not read the first page. The history of Polish-German relationship is set out, and the needs of Poland in respect to Danzig are emphasized. I turn to the second page of that exhibit, to Paragraph 6:

H0016-0004

"In the circumstances, in the understanding of the Polish Government the Danzig question is governed by two factors: the right of the German population of the city and the surrounding villages to freedom of life and development; and the fact that in all matters appertaining to the Free City as a port it is connected with Poland. Apart from the national character of the majority of the population, everything in Danzig is definitely bound up with Poland."

It then sets out the guarantees to Poland under the statute, and I pass to Paragraph 7:

"Taking all the foregoing factors into consideration, and desiring to achieve the stabilization of relations by way of a friendly understanding with the Government of the German Reich, the Polish Government proposes the replacement of the League of Nations guarantee and its prerogatives by a bi-lateral Polish-German Agreement. This Agreement should guarantee the existence of the Free City of Danzig so as to assure freedom of national and cultural life to its German Majority, and also should guarantee all Polish rights. Notwithstanding the complications involved in such a system, the Polish Government must state that any other solution, and in particular any attempt to incorporate the Free City into the Reich, must inevitably lead to a conflict. This would not only take the form of local difficulties, but also would suspend all possibility of Polish-German understanding in all its aspects."

And then finally in Paragraph 8:

"In face of the weight and cogency of these questions, I am ready to have final conversations personally with the governing circles of the Reich. I deem it necessary, however, that you should first present the principles to which we adhere, so that my eventual contact should not end in a breakdown, which would be dangerous for the future."

The first stage in those negotiations had been entirely successful from the German point of view. They had put forward a proposal, the return of the City of Danzig to the Reich, which they might well have known would have been unacceptable. It was unacceptable and the Polish Government had warned the Nazi Government that it would be. They had offered to enter into negotiations,

H0016 - 0005

but they hadn't agreed, which is exactly what the German Government had hoped. They hadn't agreed to the return of Danzig to the Reich. The first stage in producing the crisis had been accomplished.

Shortly afterwards, within a week or so of that taking place, after the Polish Government had offered to enter into discussions with the German Government, we find another top secret order issued by the Supreme Command of the Armed Forces, signed by the defendant Keitel. It goes to the OKH, OKM, and OKW and it is headed "First Supplement to Instruction dated 21 October 1938.

"The Fuehrer has ordered:

"Apart from the three contingencies mentioned in the instructions of 21 October 1938, preparations are also to be made to enable the Free State of Danzig to be occupied by German troops by surprise.

"The preparations will be made on the following basis:

"Condition is quasi-revolutionary occupation of Danzig, exploiting a politically favorable situation, not a war against Poland."

We remember, of course, that the remainder of Czechoslovakia had not been seized and therefore they were not ready to go to war with Poland. That document does show how the German Government answered the proposal to enter into discussions. That is C 137 and will become GB 33.

On the 5 January 1939 Mr. Beck had a conversation with Hitler. It is unnecessary to read the first part of that document, which is the next in the Tribunal's book, TC 73, No. 48, which will become GB 34. In the first part of that conversation, of which that document is an account, Hitler offers to answer any questions. He says he has always followed the policy laid down by the 1934 agreement. He discusses the question of Danzig and emphasizes that in the German view it must sooner or later return to Germany. I quote the last but one paragraph on that page:

"Mr. Beck replied that the Danzig question was a very difficult problem. He added that in the Chancellor's suggestion he did not see any equivalent for Poland, and that the whole of Polish opinion, and not only people thinking politically but the widest spheres of Polish society, were particularly sensitive on this matter.

H0016 - 0006

"In answer to this the Chancellor stated that to solve this problem it would be necessary to try to find something quite new, some new form, for which he used the term 'Korperschaft,' which on the one hand would safeguard the interests of the German population, and on the other the Polish interests. In addition, the Chancellor declared that the Minister could be quite at ease, there would be no faits accomplis in Danzig and nothing would be done to render difficult the situation of the Polish Government."

The Tribunal will remember that in the very last document we looked at, on the 24 November, orders had already been received or issued for preparations to be made for the occupation of Danzig by surprise, yet here he is assuring the Polish Foreign Minister that there is to be no fait accompli and that he is to be quite at his ease.

H0016 - 0007

I turn to the next document, TC-73, Number 49, which will become GB-35, conversation between Mr. Beck and Ribbentrop on the day after the one which I have just referred between Beck and Hitler.

"Mr. Beck asked —

THE PRESIDENT: Did you draw attention to the fact that the last conversation took place in the presence of the Defendant Ribbentrop?

SIR GRIFFITH-JONES: I am very obliged to you. No, I didn't. As I say, it was on the next day, the 6th of January. The date in actual fact does not appear on the copy I have got in my book. It does appear in the White Book itself.

"Mr. Beck asked M. Von Ribbentrop to inform the Chancellor that whereas previously, after all his conversations and contacts with German statesmen, he had been feeling optimistic, today for the first time he was in a pessimistic mood. Particularly in regard to the Danzig question, as it had been raised by the Chancellor, he saw no possibility whatever of agreement."

I emphasize this last paragraph:

"In answer M. Von Ribbentrop once more emphasized that Germany was not seeking any violent solution. The basis of their policy towards Poland was still a desire for the further building up of friendly relations. It was necessary to seek such a method of clearing away the difficulties as would respect the rights and interests of the two parties concerned."

The Defendant Ribbentrop apparently was not satisfied with that one expression of good faith. On the 25th of the same month, January 1939, some fortnight or three weeks later he was in Warsaw and made another speech, of which an extract is set out in PS-2530, which will become GB-36:

"In accordance with the resolute will of the German National Leader, the continual progress and consolidation of friendly relations between Germany and Poland, based upon the existing agreement between us, constitute an essential element in German foreign policy. The political foresight, and the principles worthy of true statesmanship, which induced both sides to take the momentous decision of 1934, provide a gurantee that all other problems arising in the course of the future evolution of events

H0016 - 0008

will also be solved in the same spirit, with due regard to the respect and understanding of the rightful interests of both sides. Thus Poland and Germany can look forward to the future will full confidence in the solid basis of their mutual relations."

And even so, the Nazi Government must have been still anxious that the Poles were beginning to sit up, as your Lordship will remember the expression used in the note to the Fuehrer "sit up". And I assume they would be the next in turn, because on the 30th of January, Hitler again spoke in the Reichstag, 30th of January 1939, and gave further assurances of their good faith.

That document, that extract, was read by the Attorney General in his address, and therefore, I only put it in now as an exhibit. That is TC-73, Number 57, which will become GB-37.

That, then, brings us up to the March 1939 seizure of the remainder of Czechoslovakia and the setting up of the Protectorate of Hohemia and Moravia.

If the Tribuhal will now pass to the next part, Part IV, of their document book, I had intended to refer to three documents where Hitler and Jodl were setting out the advantages gained through the seizure of the remainder of Czechoslovakia. But the Tribunal will remember that Mr. Alderman in his closing remarks yesterday morning dealt very fully with that matter, showing what advantages they did gain by that seizure and showing on the chart that he had on the wall, the immense strengthening of the German position against Poland. Therefore, I leave that matter. The documents are already in evidence, and if the Tribunal should wish to refer to them they are found in their correct order in the story in the document book.

As soon as that occupation had been completed, within a week of their marching into the rest of Czechoslovakia the heat was beginning to be turned on against Poland.

If the Tribunal would pass to Document TC-73, which is about half way through the document book--it follows after Jodl's lecture, which is a long document--TC-73, Number 61. It is headed "Official documents concerning Polish-German Relations."

H0016 - 0009

THE PRESIDENT: Does it come after TC-72?

SIR GRIFFITH-JONES: It comes after L-172.

THE PRESIDENT: Page 1397, I am told it is.

SIR GRIFFITH-JONES: Yes, that's correct. It doesn't actually represent the page number, but that is at the bottom of the page. I am sorry, these are not numbered.

THE PRESIDENT: I have got it now.

SIR GRIFFITH-JONES: This will be GB-38.

On the 21st of March Mr. Beck again saw Ribbentrop, and the nature of the conversation was generally very much sharper than that that had been held a little time back at the Grand Hotel, Berchtesgaden.

"I saw M. Von Ribbentrop today. He began by

H0016-0010

saying he had asked me to call on him in order to discuss Polish-German relations in their entirety.

"He complained about our Press, and the Warsaw students' demonstrations during Count Ciano's visit." I think I can go straight on to the larger paragraph, which commences with "Further."

"Further, M. von Ribbentrop referred to the conversation at Berchtesgaden between you and the Chancellor, in which Hitler put forward the idea of guaranteeing Poland's frontiers in exchange for a motor road and the incorporation of Danzig in the Reich. He said that there had been further conversations between you and him in Warsaw" -- that is, between him, of course, and Mr. Beck.

"He said that there had been further conversations between you and him in Warsaw on the subject, and that you had pointed out the great difficulties in the way of accepting these suggestions. He gave me to understand that all this had made an unfavourable impression on the Chancellor, since so far he had received no positive reaction whatever on our part to his suggestions. M. von Ribbentrop had had a talk with the Chancellor only yesterday. He stated that the Chancellor was still in favour of good relations with Poland, and had expressed a desire to have a thorough conversation with you on the subject of our mutual relations. M. von Ribbentrop indicated that he was under the impression that difficulties arising between us were also due to some misunderstanding of the Reich's real aims. The problem needed to be considered on a higher plane. In his opinion our two States were dependent on each other."

I think it unnecessary that I should read the next page. Briefly, Ribbentrop emphasizes the German argument as to why Danzig should return to the Reich, and I turn to the first paragraph on the following page.

"I stated" -- that is Mr. Lipski -- "I stated that now, during

H0016-0011

the settlement of the Czechoslovakian question, there was no understanding whatever between us. The Czech issue was already hard enough for the Polish public to swallow, for, despite our disputes over the Czechs --

THE PRESIDENT: "With the Czechs."

SIR GRIFFITH-JONES: I beg your pardon.

"-- with the Czechs, they were after all a Slav people. But in regard to Slovakia the position was far worse. I emphasized our community of race, language and religion, and mentioned the help we had given in their achievement of independence. I pointed out our long frontier with Slovakia. I indicated that the Polish man in the street could not understand why the Reich had assumed the protection of Slovakia, that protection being directed against Poland. I said emphatically that this question was a serious blow to our relations.

"Ribbentrop reflected a moment, and then answered that this could be discussed.

"I promised to refer to you the suggestion of a conversation between you and the Chancellor. Ribbentrop remarked that I might go to Warsaw during the next few days to talk over this matter. He advised that the talk should not be delayed, lest the Chancellor should come to the conclusion that Poland was rejecting all his offers.

"Finally, I asked whether he could tell me anything about his conversation with the Foreign Minister of Lithuania.

"Ribbentrop answered vaguely that he had seen Mr. Urbszys on the latter's return from Rome, and they had discussed the Memel question, which called for a solution."

That conversation took place on the 21st of March. It wasn't very long before the world knew what the solution to Memel was. On the next day German armed forces marched in.

If the Tribunal would turn over -- I think the next document is unnecessary -- turn over to TC-72, Number 17, which becomes GB-39.

As a result of these events, not unnaturally, considerable anxiety was growing both in the Government of Great Britain and the Polish Government, and the two Governments therefore had been undertaking

H0016-0012

conversations between each other.

On the 31st March, the Prime Minister, Mr. Chamberlain, spoke in the House of Commons, and he explained that as a result of the conversations that had been taking place between the British and Polish Governments -- I quote from the last but one paragraph of his statement:

"As the House is aware, certain consultations are now proceeding with other Governments. In order to make perfectly clear the position of His Majesty's Government in the meantime before those consultations are concluded, I now have to inform the House that during that period, in the event of any action which clearly threatened Polish independence, and which the Polish Government accordingly considered it vital to resist with their national forces, His Majesty's Government would feel themselves bound at once to lend the Polish Government all support in their power. They have given the Polish Government an assurance to this effect.

"I may add that the French Government have authorised me to make it plain that they stand in the

H0016-0013

same position in this matter as do His Majesty's Government."

On the 6th of April, a week later, a formal communique was issued by the Anglo-Polish Government, which repeated the assurance the Prime Minister had given a week before, and inwhich Poland assured Great Britain of her support should she, Great Britain, be attacked. I needn't read it all. Infact, I needn't read any of it. It is TC-72, Number 18. I put it in as GB-40.

The anxiety and concern that the Governments of Poland and Great Britain were feeling at that time appears to have been well justified. During the same week, on the 3rd of April, the Tribunal will see in the next document an order signed by Keitel. It emanated from the High Command of the Armed Forces. It is dated Berlin, 3rd April 1939. The subject is "Directive for the Armed Forces 1939/40".

"Directive for the uniform preparation of war by the Armed Forces for 1939/40 is being reissued.

"Part I (Frontier Defence) and Part III (Danzig) will be issued in the middle of April. Their basic principles remain unchanged.

"Part II 'Fall Weiss'" -- which is the code name for the operation against Poland -- "Part II, 'Fall Weiss', is attached herewith. The signature of the Fuehrer will be appended later.

"The Fuehrer has added the following Directives to 'Fall Weiss':

"1. Preparations must be made in such a way that the operations can be carried out at any time from 1st September 1939 onwards." This is in April, the beginning of April.

"2. The High Command of the Armed Forces has been directed to draw up a precise time-table for 'Fall Weiss' and to arrange by conferences the synchronised timings between the three branches of the armed forces.

"3. The plan of the branches of the Armed Forces and the details for the time-table must be submitted to the OKW by the 1st of May, 1939."

This document, as the Tribunal will see on the following page under the heading "Distribution", went to the OKH, OKM, OKW.

THE PRESIDENT: Are those words at the top part of the document, or are they just notes?

H0016 - 0014

SIR GRIFFITH-JONES: They are part of the document.

THE PRESIDENT: "Directives from Hitler and Keitel, Preparing for War."

SIR GRIFFITH-JONES: I beg your pardon; no, they are not. The document starts from under the words "Translation of document signed by Keitel."

THE PRESIDENT: Yes, I see.

SIR GRIFFITH-JONES: The first words being "Top Secret."

If the Tribunal will look at the second page, following after "Distribution", it will be seen that there follows a translation of another document, dated 11th of April, and that document is signed by Hitler.

"I shall lay down in a later directive the future tasks of the Armed Forces and the preparations to be made in accordance with these for the conduct of the war." No question about war, "conduct of the war."

"Until that directive comes into force, the Armed Forces must be prepared for the following eventualities:

"I. Safeguarding the frontiers of the German Reich, and protection against surprise air attacks.

"II. 'Fall Weiss'.

"III. The annexation of Danzig.

"Annexe IV contains regulations for the exercise of military authority in East Prussia in the event of a warlike development."

Again that document goes to the OKH, OKM, OKW.

On the next page of the copy the Tribunal have, the translation of Annexe I is set out, which is the safeguarding of the frontiers of the German Reich, and I would quote from Paragraph (2) under "Special Orders."

"Legal Basis.

"It should be anticipated that a state of Defence or State of War, as defined in the Reichsdefense law of the 4th of September 1938, will not be declared. All measures and demands necessary for carrying out a mobilization are to be based on the laws valid in peacetime."

My Lord, that document is C-120. It becomes GB-41. It contains some other later documents to which I shall refer back in chronological order.

The statement of the Prime Minister in the House of Commons, followed

H0016 - 0015

by the Anglo-Polish communique of the 6th of April, was seized upon by the Nazi Government to urge on, as it were, the crisis which they were developing in Danzig between themselves and Poland.

On the 28th of April the German Government issued a memorandum in which they alleged that the Anglo-Polish declaration was incompatible with the 1934 Agreement between Poland and Germany, and that as a result of entering into or by reason of entering into that Agreement, Poland had unilaterally renounced the 1934 agreement.

I would only quote three short passages or four short passages from that document:

H0016 - 0016

"The German Government have taken note of the Polish--

THE PRESIDENT: Will you give us the reference to it?

SIR GRIFFITH-JONES: It is TC-72, Number 14. It becomes GB-42.

Some of these passages are worth quoting if only to show the complete dishonesty of the whole document on the face of it.

"The German Government have taken note of the Polish-British declaration regarding the progress and aims of the negotiations recently conducted between Poland and Great Britain. According to this declaration there has been concluded between the Polish Government and the British Government a temporary understanding to be replaced shortly by a permanent agreement which will provide for the giving of mutual assistance by Poland and Great Britain in the event of the independence of one of the two states being directly or indirectly threatened."

Thereafter, the document sets out in the next three paragraphs the history of German friendship towards Poland. I quote from the last paragraph, paragraph 5, on that page:

"The agreement which has now been concluded by the Polish Government with the British Government is in such obvious contradiction to these solemn declarations of a few months ago that the German Government can take note only with surprise and astonishment of such a violent reversal of Polish policy.

H0016 - 0017

"Irrespective of the manner in which its final formulation may be determined by both parties, the new Polish-British agreement is intended as a regular Pact of Alliance, which, by reason of its general sense and of the present state of political relations, is directed exclusively against Germany.

"From the obligation now accepted by the Polish government, it appears that Poland intends, in certain circumstances, to take an active part in any possible German-British conflict, in the event of aggression against Germany, even should this conflict not affect Poland and her interests. This is a direct and open blow against the renunciation of all use of force contained in the 1934 declaration."

I think I can omit Paragraph 6.

"Paragraph 7: Polish Government, however, by their recent decision to accede to an alliance directed against Germany have given it to be understood that they prefer a promise of help by a third power to the direct guarantee of peace by the German Government. In view of this, the German Government are obliged to conclude that the Polish Government do not at present attach any importance to seeking a solution of German-Polish problems by means of direct, friendly discussion with the German Government. The Polish Government have thus abandoned the path traced out in 1934 to the shaping of German-Polish relations."

All this would sound very well, if it had not been for the fact that orders for the invasion of Poland had already been issued and the Armed Forces had been told to draw up a precise timetable.

The document goes on to set out the history of the last negotiations and discussions. It sets out the demands of the 21st, which the government had made; the return of Danzig, the autobahn, the railway and the promise by Germany of the twenty-five years' guarantee and I go down to the last but one paragraph on

H0016 - 0018

page 3 of the Exhibit, under the heading (1):

"The Polish Government did not avail themselves of the opportunity offered to them by the German Government for a just settlement of the Danzig question; for the final safeguarding of Poland's frontiers with the Reich and thereby for permanent strengthening of the friendly, neighbourly relations between the two countries. The Polish Government even rejected German proposals made with this object.

"At the same time the Polish Government accepted, with regard to another state, political obligations which are not compatible either with the spirit, the meaning or the text of the German-Polish declaration of the 26 of January, 1934. Thereby, the Polish Government arbitrarily and unilaterally rendered this declaration null and void."

In the last paragraph the German Government says, that nevertheless, they are prepared to continue friendly relations with Poland.

On the same day as that memorandum was issued, Hitler made a speech in the Reichstag, 28 of April, in which he repeated, in effect, the terms of the memorandum. This is Document C-72 Number 13, which becomes G.B. 43. I would only refer the Tribunal to the last part of the second page of the translation. He has again repeated the demands and offers that Germany made in March and he goes on to say that the Polish Government have rejected his offer and lastly:

"I have regretted greatly that this incomprehensible attitude of the Polish Government--" -- I beg your pardon -- "I have regretted greatly this incomprehensible attitude of the Polish Government. But that alone is not the decisive fact. The worst is that now Poland, like Czechoslovakia, a year ago, believes under the pressure of a lying international campaign, that it must call up troops although Germany, on her part, has not called up a single man and had not thought of proceeding in any way against Poland. As I have

H0016 - 0019

said, this is, in itself, very regrettable and posterity will one day decide whether it was really right to refuse the suggestion made this once by me. This, as I have said, was an endeavor on my part to solve a question which intimately affects the German people, by a truly unique compromise and to solve it to the advantage of both countries. According to my conviction, Poland was not a giving party in this solution at all, but only a receiving party, because it should be beyond all doubt, that Danzig will never become Polish. The intention to attack on the part of Germany, which was merely invented by the International Press, led, as you know, to the so-called guarantee offer, and to an obligation on the part of the Polish Government for mutual assistance."

It is unnecessary, My Lord, to read more of that. It shows us, as I say, how completely dishonest everything that the German Government was saying at that time. There was Hitler, probably with a copy of the orders for "Fall Weiss" in his pocket, as he spoke, saying that the intention to attack by Germany was an invention of the International Press.

In answer to that memorandum and that speech, the Polish Government issued a memorandum on the 28 of April. It is set out in the next Exhibit, TC-72 Number 16, which becomes G.B. 44. It is unnecessary to read more than--

THE PRESIDENT: It is stated as the 5 of May, not the 28th of April.

SIR GRIFFITH JONES: I beg your pardon, yes, on the 5th of May.

It is unnecessary to read more than two short paragraphs from that reply. I can summarize the document in a word. It sets out the objectives of the 1934 agreement to renounce the use of force and to carry on friendly relationship between the two countries; to solve difficulties by arbitration and other friendly means. The Polish Government appreciates that there are difficulties about Danzig and have long been ready to carry out discussions. They set out again their part of the recent discussions and I turn to the second page

H0016 - 0020

of the document, the one but last paragraph or perhaps I should go back a little, to the top of that page, the first half of that page. The Polish Government alleges that they wrote, as indeed they did, the German Government on the 26 of March, giving their point of view, that they then proposed joint guarantees by the Polish and German Governments of the City of Danzig, based on the principles of freedom for the local population in internal affairs. They said they were prepared to examine the possibilities of a motor road and railway facilities and that they received no reply to those proposals.

"It is clear that negotiations in which one State formulates demands and the other is to be obliged to accept those demands unaltered are not negotiations in the spirit of the declaration of 1934 and are incompatible with the vital interests and dignity of Poland", which, of course, in a word, summarizes the whole position of the Polish point of view. And thereafter, they reject the German accusation that the Anglo-Polish agreement is incompatible with the 1934 German-Polish agreement.

They state that Germany herself has entered into similar agreements with other nations and lastly, on the next page, they say that they are still willing to entertain a new pact with Germany, should Germany wish to do so.

If the Tribunal would turn back to the Exhibit C-120, to the first two letters, to which I referred only a few minutes ago, it becoming G.B. 41, on the bottom of the page there is a figure 614, on the first page of that Exhibit, "Directives From Hitler and Keitel Preparing for War and The Invasion of Poland," I would refer to page 6 of that particular Exhibit. The page number will be found at the bottom of the page, in the center. It is a letter from the Supreme Commander of the Armed Forces; it is signed by Hitler. It is dated the 10th of May. It goes to the various branches of the OKW, and with it apparently were enclosed "Instructions for the economic war and the protection of

H0016-0021

our own economy." I only mention it now to show better that throughout this time preparations for the immediate aggression were continuing. That document will still be part of the same Exhibit.

Again, on the next page, which is headed "C-120 L", is set out a precis only, not a translation, and therefore perhaps I will not read it. But it is the annex, showing the "Directives for the war against the enemy economy and measures of protection for our economy."

As we will see later, not only were the military preparations being carried out throughout these months and weeks, but economic and every other kind of preparation was being made for war at the earliest moment.

I think this period of preparation which I have taken up to May 1939, finishes really with that famous meeting or conference in the Reichschancellery on the 23 of May, about which the Tribunal has already heard. It is L-79 and is now already U.S.A.27 and it was referred to, I think, and has been known as the Schmundt Minutes. It is the last document which is in the Tribunal's Document Book and I do not propose to read anything of it. It has been read already and the Tribunal will remember that it was the speech in which Hitler was crying out for "lebensraum" and said that Danzig was not the dispute at all. It was a question of expanding their living room in the east, and where he said that the decision had been taken to attack Poland.

THE PRESIDENT: Would you remind me of the date of it?

SIR GRIFFITH JONES: The 23rd of May 1939.

Your Lordship will remember that Goering, Raeder and Keitel, among many others, were present. It has three particular lines that I want to remind the Tribunal of:

"If there were an alliance of France, England and Russia against Germany, Italy and Japan, I would be constrained to attack England and France with a few annihilating blows. The Fuehrer doubts the possibility of a peaceful settlement with England."

So that, not only has the decision been taken definitely to

H0016-0022

attack Poland, but almost equally definitely to attack England and France.

I pass to the next period, which I have described as the final preparations taken from June to the beginning of the war, at the beginning of September. If the Tribunal will glance at the index to the Document Book, they will find I have, for convenience, divided the evidence up under four subheadings: Final Preparations of the Armed Forces, Economic Preparations, the Famous Obersalzburg Speeches, and the Political or Diplomatic Preparations Urging On Of The Crisis and the Justification for the Invasion of Poland.

I refer the Tribunal to the first document in that book, dealing with the final preparations of the Armed Forces. It again is an Exhibit containing various documents, and I refer particularly to the second document, dated the 22nd of June 1939. This is Document C-126, which will become GB.45.

It will be remembered that a precise timetable had been called for. Now, here it is.

"The Supreme Command of the Armed Forces has submitted to the Fuehrer and Supreme Commander a 'preliminary timetable' for 'Fall Weiss' based on the particulars so far available from the Navy, Army and Air Force. Details concerning the days preceding the attack and the start of the attack were not included in this timetable.

"The Fuehrer and the Supreme Commander is, in the main, in agreement with the intentions of the Navy, Army and Air Force and made the following comments on individual points:-

"1. In order not to disquiet the population by calling up reserves on a larger scale than usual for the maneuvers scheduled for 1939, as is intended, civilian establishments, employers or other private persons who make enquiries should be told that men are being called up for the autumn maneuvers and for the exercise units it is intended to form for these maneuvers.

"It is requested that directions to this effect be issued to subordinate establishments."

H0016 - 0023

All this became relevant, particularly relevant later, where we find the German Government making allegations of mobilization on the part of the Poles. Here we have it in May or rather June, they are mobilizing, only doing so secretly.

"For reasons of security the clearing of hospitals in the area of the frontier which the Supreme Command of the Army proposed should take place from the middle of July, must not be carried out."

If the Tribunal will turn to the top of the following page, it will be seen that that Order is signed by the Defendant Keitel. I think it is unnecessary to read any further from that document. There is, which will save turning back, if I might take it rather out of date now, the first document on that front page of that Exhibit, a short letter dated the 2nd of August. It is only an extract, I am afraid, as it appears in the translation.

"Attached are Operational Directions for the employment of U-Boats which are to be sent out to the Atlantic, by way of precaution, in the event of the intention to carry out 'Fall Weiss' remaining unchanged. F.O. U-Boats is handing in his Operation Orders by 12 August."

One must assume that the Defendant Doenitz knew that his U-boats were to go out into the Atlantic "by way of precaution in the event of the intention to carry out 'Fall Weiss' remaining unchanged."

I turn to the next document in the Tribunal's book, C-30, which becomes GB.46. That is a letter dated the 27th of July. It contains orders for the Air and Sea Forces for the occupation of the German Free City of Danzig.

"The Fuehrer and Supreme Commander of the Armed Forces has ordered the reunion of the German Free State of Danzig with the Greater German Reich. The Armed Forces must occupy the Danzig Free State immediately in order to protect the German population. There will be no hostile intention on the part of Poland so long as the occupation takes place without the force of arms."

H0016 - 0024

It then sets out how the occupation is to be effected. All this again becomes more relevant when we discuss the diplomatic action of the last few days before the war, when Germany was purporting to make specious offers for the settlement of the question by peaceful means. I would like to offer this as evidence that the decision had been taken and nothing was going to move him from that decision. That document, as set out, says that "There will be no hostile intention on the part of Poland so long as the occupation takes place without the force of arms." Nevertheless, that was not the only condition upon which the occupation was to take place and we find that during July, right up to the time of the war, steps were being taken to arm the population of Danzig and to prepare them to take part in the coming occupation.

I refer the Tribunal to the next Document, TC-71, which becomes GB.47, where there are set out a few only of the reports which were coming back almost daily during this period from Mr. Shepherd, the Consul-General in Danzig, to the British Foreign Minister. The sum total of those reports can be found in the British Blue Book. I now would refer to only two of them, as examples of the kind of thing that was happening.

I refer to the first that appears on that Exhibit, dated the 1st of July 1939.

H0016 - 0025

"Yesterday morning four German army officers in mufti arrived here by night express from Berlin to organize Danzig Heimwehr.

"All approaches to hills and dismantled fort, which constitute a popular public promenade on western fringe of the city, have been closed with barbed wire and 'verboten' notices.

"The walls surrounding the shipyards bear placards: 'Comrades keep your mouths shut lest you regret consequence.'

"Master of British steamer 'High Commissioner Wood', whilst he was roving Koenigsberg from 28th June to 30th June, observed considerable military activity, including extensive shipment of camouflaged covered lorries and similar material by small coasting vessels. On 28th June four medium-sized steamers, loaded with troops, lorries, field kitchens, etc., left Koenigsberg, ostensibly returning to Hamburg after maneuvers, but actually proceeding to Stettin. Names of Steamers", and so forth.

And again, as another example, the report numbered 11, on the next page of the exhibit, dated the 10th of July, states:

"The same informant, whom I believe to be reliable, advises me that on 8th July he personally saw about thirty military lorries with East Prussian license numbers on the Bischofsberg, where numerous field kitchens had been placed along the hedges. There were also eight large anti-aircraft guns in position, which he estimated as being of over 3-inch caliber, and three six-barreled light anti-aircraft machine guns. There were about 500 men drilling with rifles, and the whole place is extensively fortified with barbed wire."

I don't think it is necessary to occupy the Tribunal's time in reading more.

Those, as I say, are two reports only, of the number of others that can be found in the British Blue Book, which set out the arming and preparation on the free city of Danzig.

On the 12th of August and the 13th of August, when preparations were practically complete -- and it will be remembered that they had to be complete for an invasion of Poland on the 1st of September -- we find Hitler and the

H0016 - 0026

Defendant Ribbentrop at last disclosing their intentions to their allies the Italians.

One of the passages in Hitler's speech on the 23rd of May, it will be remembered -- I will not quote it now because the document has been read before. However, in a passage in that speech Hitler, in regard to his proposed attack on Poland, had said, "Our object must be kept secret even from the Italians and the Japanese."

Now, when his preparations are complete, he discloses his intentions to his Italian comrades, and does so in the hope that they will join him.

The minutes of that meeting are long, and it is not proposed to read more than a few passages. The meeting can be summarized generally by saying, as I have, that Hitler is trying to persuade the Italians to come into the war with him. The Italians, or Ciano, rather, is most surprised. He had no idea, as he says, of the urgency of the matter, and they are not prepared. He, therefore, is trying to dissuade Hitler from starting off so soon until the Duce can have had a little more time to prepare himself.

The value -- perhaps the greatest value -- of the minutes of that meeting is that they show quite clearly the German intention to attack England and France ultimately, anyway, if not at the same time as Poland.

I refer the Tribunal to the second page of the exhibit. Hitler is trying to show the strength of Germany, the certainty of winning the war, and therefore he hopes to persuade the Italians to come in.

"At sea, England had for the moment no immediate reinforcements in prospect." I quote from the top of the second page. "Some time would elapse before any of the ships now under construction could be taken into service. As far as the land army was concerned, after the introduction of conscription 60,000 men had been called to the colors."

I quote this passage particularly to show the intention to attack England. We have been concentrating rather on Poland, but here his thoughts are turned entirely toward England.

"If England kept the necessary troops in her own country she could send to France, at the most, two infantry divisions and one armoured division. For the rest she could supply a few bomber squadrons but hardly any fighters since, at the outbreak of war, the German Air Force would at once attack

H0016-0027

England and the English fighters would be urgently needed for the defense of their own country.

"With regard to the position of France, the Fuehrer said that in the event of a general war, after the destruction of Poland -- which would not take long -- Germany would be in a position to assemble hundreds of divisions along the West Wall and France would then be compelled to concentrate all her available forces from the Colonies, from the Italian frontier and elsewhere on her own Maginot Line, for the life and death struggle which would then ensue. The Fuehrer also thought that the French would find it no easier to overrun the Italian fortifications than to overrun the West Wall. Here Count Ciano

H0016-0028

showed signs of extreme doubt"--doubts which, perhaps, in view of the subsequent performances, were well justified.

"The Polish Army was most uneven in quality. Together with a few parade divisions, there were large numbers of troops of less value. Poland was very weak in anti-tank and anti-aircraft defense and at the moment neither France nor England could help her in this respect."

What this Tribunal will appreciate, of course, is that Poland formed such a threat to Germany on Germany's Eastern Frontier.

"If, however, Poland were given assistance by the Western powers, over a longer period, she could obtain these weapons and German superiority would thereby be diminished. In contrast to the fanatics of Warsaw and Cracow, the population of their areas was different. Furthermore, it was necessary to consider the position of the Polish State. Out of 34 million inhabitants, one and one-half million were German, about four million were Jews, and nine million Ukrainians, so that genuine Poles were much less in number than the total population and, as already said, their striking power was not to be valued highly. In these circumstances Poland could be struck to the ground by Germany in the shortest time.

"Since the Poles, through their whole attitude, had made it clear that in any case in the event of a conflict they would stand on the side of the enemies of Germany and Italy, a quick liquidation at the present moment could only be of advantage for the unavoidable conflict with the Western Democracies. If a hostile Poland remained on Germany's eastern frontier, not only would the eleven East Prussian divisions be tied down, but also further contingents would be kept in Pomerania and Silesia. This would not be necessary in the event of a previous liquidation."

The argument goes on in those lines.

I pass on to the next page, at the top of the page:

"Coming back to the Danzig question, the Fuehrer said that it was impossible for him now to go back. He had made an agreement with Italy for the withdrawal of the Germans from South Tyrol, but for this reason he must take the greatest care to avoid giving the impression that this Tyrolese withdrawal could be taken as a precedent for other areas. Furthermore, he

H0016-0029

had justified the withdrawal by pointing to a general easterly and north-easterly direction of a German policy. The east and north-east, that is to say the Baltic countries, had been Germany's undisputed sphere of influence since time immemorial, as the Mediterranean had been an appropriate sphere for Italy. For economic reasons also, Germany needed the foodstuffs and timber from these eastern regions."

Now we get the truth of this matter. It is not the persecution of German minorities on the Polish frontiers, but economic reasons, the need for foodstuffs and timber from Poland.

"In the case of Danzig, German interests were not only material, although the city had the greatest harbour in the Baltic. Danzig was a Nurnberg of the North, an ancient German city awaking sentimental feelings for every German, and the Fuehrer was bound to take account of this psychological element in public opinion. To make a comparison with Italy, Count Ciano should suppose that Trieste was in Yugoslav hands and that a large Italian minority was being treated brutally on Yugoslav soil. It would be difficult to assume that Italy would long remain quiet over anything of this kind.

"Count Ciano, in replying to the Fuehrer's statement, first expressed the great surprise on the Italian side over the completely unexpected seriousness of the position. Neither in the conversations in Milan nor in those which took place during his Berlin visit had there been any sign from the German side that the position with regard to Poland was so serious. On the contrary, Ribbentrop had said that in his opinion the Danzig question would be settled in the course of time. On these grounds, the Duce,

in view of his conviction that a conflict with the Western Powers was unavoidable, had assumed that he should make his preparations for this event; he had made plans for a period of two or three years. If immediate conflict were unavoidable, the Duce, as he had told Ciano, would certainly stand on the German side, but for various reasons he would welcome the postponement of a general conflict until a later time."

No question of welcoming the cancellation of a general conflict; the only concern of anybody is as to time.

"Ciano then showed, with the aid of a map, the position of Italy in the event of a general war. Italy believed that a conflict with Poland would not be limited to that country but would develop into a general European war."

Thereafter, during the meeting, Ciano goes on to try to dissuade Hitler from any immediate action. I quote two lines from the argument at the top of page 5 of the exhibit:

"For these reasons the Duce insisted that the Axis Powers should make a gesture which would reassure people of the peaceful intentions of Italy and Germany."

Then we get the Fuehrer's answer to those arguments, half-way down page 5:

"The Fuehrer answered that for a solution of the Polish problem no time should be lost; the longer one waited until the autumn, the more difficult would military operations in Eastern Europe become. From the middle of September, weather conditions made air operations hardly possible in these areas, while the condition of the roads, which were quickly turned into a morass by the autumn rains, would be such as to make them impossible for motorized forces. From September to May, Poland was a great marsh and entirely unsuited for any kind of military operations. Poland could, however, occupy Danzig in September and Germany would not be able to do anything about it since they obviously could not bombard or destroy the place."

They couldn't possibly bombard or destroy any place where there happened to be Germans living. Warsaw, Rotterdam, England, London - I

H0016 - 0031

wonder whether any sentiments of that kind were held in consideration in regard to those places.

"Ciano asked how soon, according to the Fuehrer's view, the Danzig question must be settled. The Fuehrer answered that this settlement must be made one way or another by the end of August. To the question of Ciano's as to what solution the Fuehrer proposed, Hitler answered that Poland must give up political control of Danzig, but that Polish economic interests would obviously be reserved and that Polish general behavior must contribute to a general lessening of the tension. He doubted whether Poland was ready to accept this solution since, up to the present, the German proposals had been refused. The Fuehrer had made this proposal personally to Beck at his visit to Obersalzberg. They were extremely favorable to Poland. In return for the political surrender of Danzig, under a complete guarantee of Polish interests and the establishment of a connection between East Prussia and the Reich, Germany would have given a frontier guarantee, a 25-year pact of friendship and the participation of Poland in influence over Slovakia. Beck had received the proposal with the remark that he was willing to examine it. The plain refusal of it came only as a result of English intervention. The general Polish aims could be seen clearly from the press. They wanted the whole of East Prussia, and even proposed to advance to Berlin."

That was something quite difficult.

The meeting was held over that night, and it continued on the following day.

On page 7, in the middle of the page, it will be seen:

"The Fuehrer had therefore come to two definite conclusions: (1) in the event of any further provocation, he would immediately attack; (2) if Poland did not clearly and plainly state her political intention, she must be forced to do so."

I go to the last line on that page:

"As matters now stand, Germany and Italy would simply not exist further in the world through lack of space; not only was there no more space, but existing space was completely blockaded by its present poss-

H0016 - 0032

ess.. ; they sat like misers with their heaps of gold and deluded themselves about their riches. The Western Democracies were dominated by the desire to rule the world and would not regard Germany and Italy as their class. This psychological element of contempt was perhaps the worst thing about the whole business. It could only be settled by a life and death struggle which the two Axis partners could meet more easily because their interests did not clash on any point.

"The Mediterranean was obviously the most ancient domain for which Italy had a claim to predominance. The Duce himself had summed up the position to him in the words that Italy already was the dominant power in the Mediterranean. On the other hand, the Fuehrer said that Germany must take the old German road eastwards and that this road was also desirable for economic reasons, and that Italy had geographical and historical claims to permanency in the Mediterranean. Bismarck had recognized it and had said as much in his well-known

H0016 - 0033

letter to Manzzini. The interests of Germany and Italy went in quite different directions and there never could be a conflict between them.

"Ribbentrop added that if the two problems mentioned in yesterday's conversations were settled, Italy and Germany would have their backs free for work against the West. The Fuehrer said that Poland must be struck down so that for 50 years" -- there appears to have been a question raised in the translation -- for so many years long she would have been incapable of fighting. "In such a case, matters in the West could be settled.

"Ciano thanked the Fuehrer for his extremely clear explanation of the situation. He had, on his side, nothing to add and would give the Duce full details. He asked for more definite information on one point in order that the Duce might have allthe facts before him. The Duce might indeed have to make no decision because the Fuehrer believed that the conflict with Poland could be localized on the basis of long experience. He--Ciano--quite saw that so far the Fuehrer had always been right in his judgment of the position. If, however, Mussolini had no decision to make, he had to take certain measures of precaution, and therefore Ciano would put the following question:

"The Fuehrer had mentioned two conditions under which he would take Poland (1) if Poland were guilty of serious provocation, and (2) if Poland did not make her political position clear. The first of these conditions depended on the decision of the Fuehrer, and German reaction could follow it in a moment. The second condition required certain decisions as to time. Ciano therefore asked what was the date by which Poland must have satisfied Germany about her political condition. He realized that this date depended upon climatic conditions.

"The Fuehrer answered that the decision of Poland must be made clear at the latest by the end of August. Since, however, the decisive part of military operations against Poland could be carried out within a period of 14 days and the final liquidation would need another four weeks, it could be finished at the end of September or

H0016 - 0034

the beginning of October. These could be regarded as the dates. It followed, therefore, that the last dates on which he could begin to take action was the end of August.

"Finally, the Fuehrer assured Ciano that since his youth he had favored German-Italian cooperation, and that no other view was expressed in his books. He had always thought that Germany and Italy were naturally suited for collaboration, since there were no conflicts of interest between them. He was personally fortunate to live at a time in which, apart from himself, there was one other statesman who would stand out great and unique in history; that he could be this man's friend was for him a matter of great personal satisfaction, and if the hour of common battle struck, he would always be found on the side of the Duce."

THE PRESIDENT: We might adjourn now for ten minutes.

(Whereupon at 1155 hours a ten-minute recess was taken.)

H0016 - 0035

(The Tribunal resumed at 12.15 p,m.)

SIR GRIFFITH-JONES: If the Tribunal please, I never actually put that last document that I was referring to in as an exhibit. It is Document TC-77, which becomes GB-48.

Having referred the Tribunal to those documents showing that the military preparations were throughout the whole period in hand nearing their completion, I would refer to one letter from the defendant Funk, showing that at the same time the economists had not been idle. It is a letter dated the 25th of August, 1939, in which Funk is writing to his Fuhrer. He says:

"My Fuhrer!

"I thank you sincerely and heartily for your most friendly and kind wishes on the occasion of my birthday. How happy and how grateful to you we ought to be for being granted the favor of experiencing these overwhelmingly great and world-changing times and taking part in the mighty events of these days.

"The information given to me by Field Marshal Goering, that you, my Fuhrer, yesterday evening approved in principle the measures prepared by me for financing the war and for shaping the relationship between wages and prices and for carrying through emergency sacrifices, made me deeply happy. I hereby report to you with all respect that I have succeeded by means of precautions taken during the last few months, in making the Reichsbank internally so strong and externally so unassailable, that even the most serious shocks in the international money and credit market cannot affect us in the least. In the meantime I have quite inconspicuously changed into gold all the assets of the Reichsbank and of the whole of German economy abroad which it was possible to lay hands on. Under the proposals I have prepared for a ruthless elimination of all consumption which is not of vital importance and of all public expenditure and public works which are not of importance for the war effort, we will be in a position to cope with all demands on finance and economy, without any serious shocks. I have considered it my duty as the general plenipoten-

H0016 - 0036

tiary for economy appointed by you to make this report and solemn promise to you, my Fuhrer.

"Heil my Fuhrer /signed/ Walter Funk."

That document is PS 699, and it goes in as GB 49.

It is difficult in view of that letter to see how the defendant Funk can say that he did not know of the preparations and of the intentions of the German Government to wage war.

I come now to the speech which Hitler made on the 22nd August at Obersalzburg to his commanders in chief. By the third week of August, preparations were complete. That speech has already been read to the Tribunal. I would, perhaps, ask the Tribunal's patience if I quoted literally half a dozen lines so as to carry the story on in sequence.

On the first page of PS-1014, which is already US-30, the fourth line:

"Everybody shall have to make a point of it that we were determined from the beginning to fight the Western powers."

The second paragraph:

"Destruction of Poland in the foreground. The aim is elimination of living forces, not the arrival at a certain line. Even if war should break out in the West, the destruction of Poland shall be the primary objective."

Again, the famous sentence in the third paragraph:

"I shall give a propagandistic cause for starting the war, - never mind whether it be plausible or not. The victor shall not be asked later on whether we told the truth or not. In starting and making a war, not the Richt is what matters but Victory."

We are going to see only too clearly how that propagandistic cause, which already had been put in hand, was brought to its climax.

I turn to the next page, the third paragraph:

"It was clear to me that a conflict with Poland had to come sooner or later. I had already made this decision in spring, but I thought that I would first turn against the West in a few years, and only afterwards against the East."

H0016 - 0037

I refer to these passages again particularly to emphasize the intention of the Nazi government, not only to conquer Poland, but ultimately, in any event, to wage aggressive war against the Western Democracies.

I refer lastly to the last page, a passage which becomes more significant as we continue the story of the last few days:

"We need not be afraid of a blockade. The East will supply us with grain, cattle, coal, lead and zinc. It is a big arm, which demands great efforts. I am only afraid that at the last minute some Schweinehund will make a proposal for mediation.

"The political arm is set farther, A beginning has been made for the destruction of England's hegemony. The way is open for the soldier, after I have made the political preparations."

And, again, the very last line becomes significant later:

"Goering answers with thanks to the Fuhrer and the assurance that the armed forces will do their duty."

We pass from the military-economic preparations and his exhortations to his generals to see how he was developing the position in the diplomatic field.

On the 23rd August, 1939, the Danzig Senate passed a decree whereby Gauleiter Forster was appointed head of the State of the Free City of Danzig, a position which did not exist under the statute setting up the constitution of the Free City. I put in the next document, which is taken from the British Blue Book, only as evidence of that event, an event that was, of course, aimed at stirring up feeling in the Free City at that time. That is TC-72, Number 62, which becomes GB-50.

At the same time, frontier incidents were being manufactured by the Nazi Government with the aid of the SS. The Tribunal has already heard the evidence of General Lahousen the other day

H0016-0038

in which he referred to the provision of Polish uniforms to the SS Forces for these purposes, so that dead Poles could be found lying about on the German side of the frontier. I refer the Tribunal now to three short reports which corroborate the evidence that that gentleman came and gave before you, and they are found in the British Blue Book. They are reports from the British Ambassador in Warsaw.

The first of them, TC-72, No. 53, which becomes GB-51, is dated 26th of August.

"Series of incidents again occurred yesterday on German frontier.

"Polish patrol met party Germans one kilometre from East Prussian frontier near Pelta. Germans opened fire. Polish patrol replied, killing leader, whose body is being returned.

"German bands also crossed Silesian frontier near Szczyglo, twice near Rybnik and twice elsewhere, firing shots and attacking blockhouses and customs posts with machine guns and hand grenades. Poles have protested vigorously to Berlin.

"Gazeta Polska, in inspired leader, today says these are more than incidents. They are clearly prepared acts of aggression of para-military disciplined detachments supplied with regular army's arms, and in one case it was a regular army detachment. Attacks more or less continuous.

"These incidents did not cause Poland to forsake calm and strong attitude of defence. Facts spoke for themselves and acts of aggression came from German side. This was best answer to ravings of German press.

"Ministry for Foreign Affairs state uniformed German detachment has since shot Pole across frontier and wounded another."

I pass to the next report, TC-72, No. 54, which becomes GB-52. It is dated the same date, 26th August.

"Ministry for Foreign Affairs categorically deny story recounted by Herr Hitler to French Ambassador that twenty-four Germans were recently killed at Lodz and eight at Bielsko. Story is without any foundation whatever."

H0016 - 0039

And lastly, TC-72, No. 55, which becomes GB-53, the report of the next day, 27th August.

"So far as I can judge, German allegations of mass ill-treatment of German minority by Polish authorities are gross exaggeration, if not complete falsification.

"2. There is no sign of any loss of control of situation by Polish civil authorities. Warsaw, and so far as I can ascertain, the rest of Poland is still completely calm.

"3. Such allegations are reminiscent of Nazi propaganda methods regarding Czechoslovakia last year.

"4. In any case it is purely and simply deliberate German provocation in accordance with fixed policy that has since March--" since the date when the rest of Czechoslovakia was seized and they were ready to go against Poland--"that has since March exacerbated feeling between the two nationalities. I suppose this has been done with object (a) creating war spirit in Germany (b) impressing public opinion abroad (c) provoking either defeatism or apparent aggression in Poland.

"5. It has signally failed to achieve either of the two latter objects.

"6. It is noteworthy that Danzig was hardly mentioned by Herr Hitler.

"7. German treatment of Czech Jews and Polish minority is apparently negligible factor compared with alleged sufferings of Germans in Poland where, be it noted, they do not amount to more than 10 per cent of population in any commune.

"8. In face of these facts it can hardly be doubted that, if Herr Hitler decided on war, it is for the sole purpose of destroying Polish independence.

"9. I shall lose no opportunity of impressing on Minister for Foreign Affairs necessity of doing everything possible to prove that Herr Hitler's allegations regarding German minority are false."

H0016 - 0040

And I again weigh further corroboration of General Lahousen's evidence in a memoranda, which has been captured, in a conversation between the writer and Keitel. It is PS-795, and it becomes GB 64. That conversation with Keitel took place on the 17th of August, and from the memorandum I quote the first paragraph:

> "I reported my conference with Jost to Keitel. He said that he would not pay any attention to this action, as the Fuehrer had not informed him, and had only let him know that we were to furnish Heyderich with Polish uniforms. He agrees that I instruct the General Staff. He says that he does not think much of actions of this kind. However, there is nothing else to be done if they have been ordered by the Fuehrer, that he could not ask the Fuehrer how he had planned the execution of this special action. In regard to Dirschau, he has decided that this action would be executed only by the Army."

That, then my Lord, was the position at the end of the first week in August -- I mean at the end of the third week in August. On the 22nd of August the Russian--German-Non-aggression Pact was signed in Moscow, and we have heard in Hitler's speech of that date to his commanders in chief what has gone down as a shock to the rest of the world. In fact, the orders to invade Poland were given immediately after the signing of that Treaty, and the H-hour was actually to be in the early morning of the 25th of August. Orders were given to invade Poland in the early hours of the 25th of August, and that I shall prove in a moment.

On the same date, 22nd of August, that the German-Russian agreement was signed in Moscow, news reached England that it was being signed, and that, of course, the significance of it from a military point of view as to Germany apparently in the present circumstances was obvious, and the British Government immediately made their position clear in one last hope, and that one last hope, if it was a hope, was that the German Government might possibly think better, and I

H0016 - 0041

refer to Document TC 72 No. 56; it is the first document in the next to the last part of the Tribunal Document Book, in which the Prime Minister wrote to Hitler. That is Document Book GB 55:

"Your Excellency.

"Your Excellency will have already heard of certain measures taken by His Majesty's Government, and announced in the press and on the wireless this evening.

"These steps have, in the opinion of His Majesty's Government, been rendered necessary by the military movements which have been reported from Germany, and by the fact that apparently the announcement of a German-Soviet Agreement is taken in some quarters in Berlin to indicate that intervention by Great Britain on behalf of Poland is no longer a contingency that need be reckoned with. No greater mistake could be made. Whatever may prove to be the nature of the German-Soviet Agreement, it can not alter Great Britain's obligation to Poland, which His Majesty's Government have stated in public repeatedly and plainly, and which they are determined to fulfill.

"It has been alleged that, if His Majesty's Government had made their position clear in 1914, the great catastrophe would have been avoided.

THE PRESIDENT: Are you going too far,

SIR GRIFFITH JONES: "It has been alleged that, if His Majesty's Government had made their position more clear in 1914, the great catastrophe would have been avoided. Whether or not there is any force in that allegation, His Majesty's Government are resolved that on this occasion there shall be no such tragic misunderstanding.

H0016-0042

"If the case should arise, they are resolved, and prepared, to employ without delay all the forces at their command, and it is impossible to forsee the end of hostilities once engaged. It would be a dangerous illusion to think that, if war once starts, it will come to an early end even if a success on any one of the several fronts on which it will be engaged should have been secured."

Therefore, the Prime Minister urged the German Government to try to solve the difficulty without the course to the use of force, and they suggested that a truce should be declared while direct discussions between the two governments, the Poland and German Governments, might take place. I quote in Prime Minister Chamberlain's language:

"At this moment I confess I can see no other way to avoid a catastrophe that will involve Europe in war. In view of the grave consequences to humanity, which may follow from the action of their rulers, I trust that Your Excellency will weigh with the utmost deliberation the considerations which I have put before you."

On the following day, the 23rd of August, Hitler replied to Prime Minister Chamberlain, and that document is TC 72 No. 60, and it becomes GB 56. He started off by saying that Germany has always sought England's friendship, and goes on and says that, "Like every other State possesses certain definite interests which it is impossible to renounce." I quote the third paragraph as follows:

"Germany was prepared to settle the questions of Danzig, and of the Corridor by the method of negotiation on the basis of a proposal of truly unparalleled magnanimity. The allegations disseminated by England regarding a German mobilization against Poland, the assertion of aggressive designs towards Roumania, Hungary, etc., as well as the so-called guarantee declarations, which were subsequently given, had, however, dispelled Polish inclination to "negotiate on a basis of this kind which would have been tolerable for Germany also.

"The unconditional assurance given by England to Poland that she would render assistance to that country in all circumstances regardless

H0016-0043

of the causes from which a conflict might spring, could only be interpreted in that country as an encouragement thence-forward to unloosen, under cover of such a charter, a wave of appalling terrorism against the one and a half million German inhabitants living in Poland."

Again I read from the report by the British Ambassador, to which I just referred:

"The atrocities which then have been taking place in that country are terrible for the victims, but intolerable for a Great Power such as the German Reich, which is expected to remain a passive onlooker during these happenings. Poland has been guilty of numerous breaches of her legal obligations towards the Free City of Danzig, has made demands in the character of ultimata, and has initiated a process of economic strangulation."

It goes on and says that "Germany will not tolerate a continuance of the persecution of the Germans," and the fact there is a British guarantee to Poland makes no difference to its determination to end this state of affairs. I quote from paragraph 7:

"The German Reich Government has received information to the effect that the British Government has the intention to carry out measures of mobilization which, according to the statements contained in your own letter, are clearly directed against Germany alone. This is said to be true of France as well. Since Germany has never had the intention of taking military measures other than those of a defensive character against England, or France, and, as has already

H0016 - 0044

been emphasized, has never intended, and does not in the future intend, to attack England, or France, it follows that this announcement, as confirmed by you, Mr. Prime Minister, in your own letter, can only refer to a contemplated act of menace directed against the Reich. I, therefore, inform your Excellency that in the event of these military announcements being carried into effect, I shall order immediate moblization of the German forces."

If the intention of the German Government had been peaceful. If they really wanted peace and not war, what was the purpose of these lines, of these lines saying that they had never intended to attack England or France, and carry out no mobilization. In view of what we now have, what we know to be in those lines, what again was their intention, adding again the expression, of peaceful settlemtn of the Danzig question, when I quote again from the last paragraph:

"The question of the treatment of European problems on a peaceful basis is not a decision which rests on Germany, but primarily on those who since the crime committed by the Versailles distate have stubbornly and consistently opposed any peaceful revision. Only after a change of spirit on the part of the responsible Powers can there be any real change in the relationship between England and Germany. I have all my life fought for Anglo-German friendship; the attitude adopted by British diplomacy - at any rate up to the present - has, however, convinced me of the futility of such an attempt. Should there be any change in this respect in the future, nobody could be happier than I."

On the 25th August the formal Anglo-Polish Agreement of mutual assistance was signed in London. It is unnecessary to read that document. The Tribunal will be well aware of its contents where both governments undertake to give assistance to the other in the event of aggression against either by any third power. I quote document GC-73, No. 91 which becomes GB-57. I shall refer to a letter between the British Prime Minister, and refer also to a similar correspondence which took place a few days later between the French Prime Minister Daladier and Hitler.

H0016 - 0045

I invite your attention to this because it is desired to show how deliberately the German Government was set about their pattern of aggression. "The French Ambassador in Berlin has informed me of your personal communication," written on the 26th August.

"In the hours in which you speak of the greatest responsibility which two heads of the Governments can possibly take upon themselves, namely, that of shedding the blood of two great nations, who long only for peace and work, I feel I owe it to you personally, and to both our peoples to say that the fate of peace still rests in your hands.

"You can doubt whether my own feelings towards Germany, nor France peaceful feelings--" I think that must be a mistake. It should be, "You cannot doubt".

THE PRESIDENT: "You cannot doubt what are my own feelings"

SIR GRIFFITH JONES: Yes, I am obliged to you sir.

"I cannot doubt" I think that should be. I think that must be a mistake. I think that must be it.

"You cannot doubt but what are my own feelings towards Germany, nor France's peaceful feelings towards your nation. No Frenchman has done more than myself to strengthen between our two nations not only peace, but also sincere cooperation in their own interests, as well as in those of Europe and of the whole world. Unless you credit the French people with lower sense of honor, than I credit the German Nation with; you cannot doubt that France loyaly fulfills her obligations towards other powers, such as Poland, which as I am fully convinced, wants to live in peace with Germany.

H0016 - 0046

"These two convictions are fully compatible.

"Till now there has been nothing to prevent a peaceful solution of the international crisis, with all honor and dignity for all nations, if the same will for peace exists on all sides.

"Together with the good will of France I proclaim that of all her allies. I take it upon myself to guarantee Polands readiness, which she has always shown to submit to the mutual application of a method of open settlement, as it can be imagined between the governments of two sovereign nations. With the clearest conscience I can assure you that among the differences which have arisen between Germany and Poland over the question of Danzig, there is not one which could not be submitted to such a method, the purpose of reaching a peaceful and just solution.

"Moreover, I can declare on my honor that there is nothing in France's clear and loyal solidarity with Poland and her allies, which could in any way prejudice the peaceful attitude of my country. This solidarity has never prevented us, and does not prevent us today, from keeping Poland in the same friendly state of mind.

"In so serious an hour, I sincerely believe that no high minded human being could understand it, if a war of destruction was started without a last attempt being made to reach a peaceful settlement between Germany and Poland. Your desire for peace could in all certainty work for this aim, without any prejudice to German honour. I, who desire good harmony between the French and the German people, and who am on the other hand bound to Poland by bonds of friendship, and by a promise, am prepared, as head of the French Government, to do everything an upright man can do to bring this attempt to a successful conclusion.

You and I were in the trenches in the last war. "You know, as I do, what horror and condemnation the devastations of that war have left in the conscience of the peoples; without any regard to its outcome. The picture I can see in my mind's eye of your outstanding role as the leader of the German people on the road of peace, towards the fulfilment of its task in the common work of civilization, leads me to ask for a reply to this suggestion.

H0016-0047

"If French and German blood should be shed again, as it was shed 25 years ago, in a still longer and more murderous war, then each of the two nations will fight, believing in its own victory. But the most certain victors will be - destruction and barbarity."

THE PRESIDENT: I think we will adjourn now until two o'clock.

(Whereupon at 1300 hours the hearing of the Tribunal adjourned to reconvene at 1400 hours).

File copy

H0016-0048

Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 6 December 1945, 1405-1700, Lord Justice Lawrence, presiding.

COLONEL STOREY: If it please the Tribunal, with the consent of Mr. Jones may I make an announcement to the Defense Counsel.

This evening at 7:30, in the courtroom there will be a showing of the remainder of the moving pictures which the United States intends to introduce in evidence. At 7:30, in the courtroom this evening, the remainder of the motion pictures which the United States will offer in evidence will be shown for the Defense Counsel. We urge that all of them come at 7:30.

DR. DIX (Counsel for Defendant Schacht): I believe I should explain in the name of the defense that in regard to films it doesn't seem necessary to ask that the films be shown twice. We recognize the cooperation of the prosecution in this respect, but our evenings are very much taken up by the preparation of the defense and talking to our clients.

In regard to films, they are an entirely different matter than documents. Documents have to be read in advance, but inasmuch as the witnesses are only coming up during the main proceedings, the movie will only be used during the main proceedings, and I don't really believe that the prosecution will have to take the trouble to show us the movies twice, the night before as well as the day after.

I would not like this to be misconctrued in any way, but it is really only that we are so very much preoccupied with our preparations that we do not have the time to come at night. But I repeat that we recognize the cooperation of the prosecution very much indeed. I would like you to understand my words in this respect.

THE PRESIDENT: Do I understand that you think it will be unnecessary for the Defendants' Counsel to have a preview of the films, to see them before they are produced in evidence? Is that what you are saying?

DR. DIX: That is what I said, yes.

THE PRESIDENT: Colonel Storey, I am not sure that you were here when

H0016 - 0049

Dr. Dix began his observations, but I understand that what he says is that in view of the amount of preparation which the Defendant's Counsel have to undertake, they do not consider it necessary to have a view of these films before they are produced in evidence, but at the same time he wishes to express his gratification at the cooperation of the Counsel for the Prosecution.

COLONEL STOREY: Very agreeable. It's all right with us. We were doing it for their benefit.

THE PRESIDENT: Very well.

MR. GRIFFITH-JONES: When the Tribunal rose for the adjournment, I had just read the letter from M. Daladier of the 26th of August. On the 27th of August, Hitler replied to that letter, and I think it unnecessary to read the reply. The sense of it was very much the same as that which he wrote to the British Prime Minister in answer to the letter that he had received earlier in the week.

Those two letters are taken from the German White Book which I put in evidence as GB-58, so perhaps the Tribunal would treat both those letters as the same number. After that, nobdoy could say that the German Government was in any doubt as to the position that was to be taken up by both the British and French Governments in the event of German aggression against Poland.

But the pleas for peace did not end there. On the 24th of August, President Roosevelt wrote to both Hitler and to the President of the Polish Republic, I quote only the first few paragraphs of his letter:

"In the message which I sent you on the 14th April, I stated that it appeared to be that the leaders of great nations had it in their power to liberate their peoples from the disaster that impended, but that, unless the effort were immediately made, with good will on all sides, to find a peaceful and constructive solution to existing controversies, the crisis which the world was confronting must end in catastrophe appears to be very near at hand indeed"

I am told that this morning I was reading rather quickly, so the Tribunal will forgive me if I read a little slower.

H0016 - 0050

"To the message which I sent you last April I have received no reply, but because my confident belief that the cause of world peace - which is the cause of humanity itself - rises above all other considerations, I am again addressing myself to you, with the hope that the war which impends and the consequent disaster to all peoples may yet be averted.

"I therefore urge with all earnestness - and I am likewise urging the President of the Republic of Poland - that the Government of Germany and Poland agree by common accord to refrain from any positive act of hostility for a reasonable stipulated period, and that they agree, likewise by common accord, to solve the controversies which have arisen between them by one of the three following methods:-

"First, by direct negotiation;

"Second, by the submission of these controversies to an impartial arbitration in which they can both have confidence; or

"Third, that they agree to the solution of these controversies through the procedure of conciliation."

I think it is unnecessary to read any more of that letter, as I have already indicated to the Tribunal, the answer to that was the order to his armed forces to invade Poland on the following morning.

H0016 - 0051

That document is TC 72, No. 124, which becomes GB-59.

I put in evidence also the next document, TC 72, No. 126, GB-60, which is the reply to that letter from the President of the Polish Republic, in which he accepts the offer to settle the differences by any of the peaceful methods suggested.

On the 25th of August, no reply having been received from the German Government, President Roosevelt wrote again:

"I have this hour received from the President of Poland a reply to the message which I addressed to your Excellency and to him last night."

The Polish reply is then set out,

"Your Excellency has repeatedly publicly stated that the aims and objects sought by the German Reich were just and reasonable.

"In his reply to my message the President of Poland has made it plain that the Polish Government is willing, upon the basis set forth in my message, to agree to solve the controversy which has arisen between the Republic of Poland and the German Reich by direct negotiation or the process of conciliation.

"Countless human lives can yet be saved and hope may still be restored that the nations of the modern world may even now construct the foundation for a peaceful and happier relationship, if you and the Government of the German Reich will agree to the pacific means of settlement accepted by the Government of Poland. All the world prays that Germany, too, will accept."

But, My Lord, Germany would not accept, nor would they accept the appeals by the Pope which appear in the next document.

I'm sorry-- the President of Poland's reply becomes GB-61.

They would not agree to those proposals, nor would they pay heed to the Pope's appeal, which is TC 72, No. 139, on the same date, the 24th of August, which becomes GB-62. I don't think it is necessary to read that. It is an appeal in similar terms. And there is yet a further appeal from the Pope on the 31st of August, TC 72, No. 14, which becomes GB-63. It is 141; I beg your pardon. It is TC 72, No. 141. I think the printing is wrong in the Tribunal's translation:

H0016 - 0052

"The Pope is unwilling to abandon hope that pending negotiations may lead to a just pacific solution such as the whole world continues to pray for."

I think it is unnecessary to read the remainder of that. If the Pope had realized that those negotiations, to which he referred as "pending negotiations", on the last days of August, which we are about to deal with now, were completely bogus negotiations, bogus in so far as Germany was concerned and put forward, as indeed they were, and as I hope to illustrate to the Tribunal in a moment, simply as an endeavor to dissuade England, either by threat or by bribe, from meeting her obligations to Poland, then perhaps he would have saved himself the trouble of ever addressing that last appeal.

It will be seen quite clearly that those final German offers to which I now turn were no offers in the accepted sense of the word at all, that there was never any intention behind them of entering into discussions, negotiation, arbitration, or any other form of peaceful settlement with Poland. They were just an attempt to make it rather easier to seize and conquer Poland than appeared likely if England and France observed the obligations that they had undertaken.

Perhaps I might, before dealing with the documents, summarize in a word those last negotiations.

On the 22nd of August, as we have seen, the German-Soviet Pact was signed. On the 24th of August orders were given to his armies to march the following morning. After those orders had been given, the news apparently reached the German Government that the British and Polish Governments had actually signed a formal pact of non-aggression and of mutual assistance. Up until that time, it will be remembered, the position was that the Prime Minister had made a statement in the House and a joint communique had been issued -- I think on the 6th of April -- that they would in fact assist one another if either were attacked, but that no formal agreement had been signed.

Now, on the 24th of August, after those orders had been given by him, the news came that such a formal document had been signed and the

H0016 - 0053

invasion was postponed for the sole purpose of making one last effort to keep England and France out of the war -- not to end the war, not to cancel the war, but to keep them out.

And to do that, on the 25th of August, having postponed the invasion, Hitler issued a verbal communique to Sir Neville Henderson which, as the Tribunal will see, was a mixture of bribe and threat, with which he hoped to persuade England to keep out.

On the 28th of August, Sir Neville Henderson handed the British Government's reply to that communique to Hitler. That reply stressed that the differences ought to be settled by agreement. The British Government put forward the view that Danzig should be guaranteed, and indeed any agreement come to should be guaranteed by other powers, which, of course, in any event would have been quite unacceptable to the German Reich.

As I say, one really need not consider what would have been acceptable and not acceptable because once it had been made clear -- as indeed it was in that British Government's reply of the 28th of August -- that England would not be put off assisting Poland in the event of German aggression, the German Government really had no concern with further negotiation but were concerned only

H0016-0054

to afford themselves some kind of justification and to prevent themselves appearing too blatantly to turn down all the appeals to reason that were being put forward.

On the 29th of August, in the evening at 7:15 p.m., Hitler handed to Sir Neville Henderson the German Government's answer to the British Government's reply of the 28th. And here again in this document it is quite clear that the whole object of it was to put forward something which was quite unacceptable. He agrees to enter into direct conversations as suggested by the British Government, but he demands that those conversations must be based upon the return of Danzig to the Reich, and also of the whole of the Corridor.

It will be remembered that hitherto, even when he alleged that Poland had renounced the 1934 agreement, even then he had put forward as his demands the return of Danzig alone, and the arrangement for an extra-territorial Autobahn and railroad running through the Corridor to East Prussia. That was unacceptable then. To make quite certain, he now demands the whole of the Corridor, no question of an Autobahn or railway. The whole thing must become German.

Even so, even to make doubly certain that the offer would not be accepted, he says, "On those terms I am prepared to enter into discussion, but to do so, as the matter is urgent, I expect a plenipotentiary with full powers from the Polish Government to be here in Berlin by midnight tomorrow night, the 30th of August."

This offer was made at 7:15 p.m. on the eveing of the 29th. That offer had to be transmitted, first, to London; and from London to Warsaw; and from Warsaw the Polish Government had to give authority to their Ambassador in Berlin. So that the timing made it quite impossible, if indeed it were possible, to get authority to their Ambassador in Berlin by midnight the following night. It allowed them no kind of opportunity for discussing the matters at all. As Sir Neville Henderson described it, the offer amounted to an ultimatum.

At midnight on the30th of August, at the time by which the Polish

H0016-0055

Plenipotentiary was expected to arrive, Sir Neville Henderson saw Ribbentrop, and I shall read to you the account of that interview, in which Sir Neville Henderson handed a further message to Ribbentrop in reply to the message that had been handed to him the previous evening, and at which Ribbentrop read out in German a two or three page document which purported to be the German proposal to be discussed at the discussions between them and the Polish Government. He read it out quickly in German. He refused to hand a copy of it to the British Ambassador. He passed no copy of it at all to the Polish Ambassador. So that there was no kind of possible chance of the Poles ever having before them the proposals which Germany was so graciously and magnanimously offering to discuss.

On the following day, the 31st of August, Mr. Lipski saw Ribbentrop and could get no further than to be asked whether he came with full powers. When he did not -- when he said he did not come with full powers, Ribbentrop said that he would put the position before the Fuehrer. But, in actual fact, it was much too late to put any position to the Fuehrer by that time, because on the 31st of August-- I am afraid I am unable to give you the exact time -- but on the 31st of August, Hitler had already issued his Directive No. 1 for the conduct of war, in which he laid down H-Hour as being a quarter to five the following morning, the 1st of September. And on the evening of the 31st of August, at 9 o'clock, the German radio published, broadcast, the proposals which Ribbentrop had read out to Sir Neville Henderson the night before, saying that these were the proposals which had been made for discussion, but that as no Polish Plenipotentiary had arrived, to discuss them, the German Government assumed that they were turned down. That broadcast at 9 o'clock on the evening of the 31st of August was the first that the Poles had ever heard of the proposal, and they were the first in fact that the British Government or its representatives in Berlin knew about them, other than what had been heard when Ribbentrop had read them out and refused to give a written copy on the evening of the 30th.

H0016 - 0056

After that broadcast, at 9:15, perhaps when the broadcast was in its course, a copy of those proposals was handed to Sir Neville Henderson for the first time.

Having thus summarized for the convenience, I hope, of the Tribunal, the timing of events during that last week, I would ask the Tribunal to refer briefly to the remaining documents in that document book.

I first put in evidence an extract from the interrogation of the Defendant Goering which was taken on the 29th of August 1945.

DR. STAHMER (Counsel for Defendant Goering): As the Defense Counsel of the Defendant Goering, I would like to mention to the . . .

THE PRESIDENT: Go on; I haven't heard what you said.

DR. STAHMER: As Defense Counsel of the Defendant Goering, I object to the presentation of the documents, which is an excerpt of a cross-examination

H0016-0057

of a witness. The Defendant Goering is right here and can himself be heard as a witness on the subject which has been documented in this brief.

THE PRESIDENT: Is that your objection?

DR. STAHMER: Yes, sir.

THE PRESIDENT: The Tribunal does not understand the ground of your objection, in view of Article 15 C and Article 16 B of the Charter. Article 15 C provides that the Chief prosecutors shall undertake, among others, the duty of the preliminary examination of all necessary witnesses and of the defendants; and Article 16 provides that in order to insure fair trial for the defendants, the following procedure shall be followed: B - During any preliminary examination of a defendant he shall have the right to give any explanation relevant to the charges made against him; C - A preliminary examination of a defendant shall be conducted in or translated into a language which the defendant understands. Those provisions of the Charter, in the opinion of the Tribunal, show that the defendants may be interrogated and that their interrogations may be put in evidence.

DR. STAHMER: I have only said it from the premise that the possibility exists to discuss, to cross-examine the witness, as would be as strong evidence as to summon the witness himself.

THE PRESIDENT: You certainly have the opportunity of summoning the Defendant for whom you appear to give evidence himself, but that has nothing to do with the admissibility of his interrogation — his preliminary examination.

MR. GRIFFITH-JONES: This extract is TC 90, which I put in as GB 64. I quote from the middle of the first answer. It is at the end of the 7th line.

THE PRESIDENT: Just one moment.

MR. GRIFFITH-JONES: TC 90, your Honor.

THE PRESIDENT: Does it come before TC 72?

MR. GRIFFITH-JONES: Yes, it does. It comes before some of TC 72.

H0016-0058

THE PRESIDENT: Yes, go on.

MR. GRIFFITH-JONES: It is immediately after the Pope's appeal.

THE PRESIDENT: Go on.

MR. GRIFFITH-JONES: The Defendant Goering says there: "On the day when England gave her official guarantee to Poland the Fuehrer called me on the telephone and told me that he had stopped the plannned invasion of Poland. I asked him then whether this was just temporary or for good. He said 'No, I will have to see whether we can eliminate British intervention'".

THE PRESIDENT: Oughtn't you to read the question before the answer?

MR. GRIFFITH-JONES: I go back to the question: "When the negotiations of the Polish Foreign Minister in London brought about the Anglo-Polish Treaty at the end of March or the beginning of April, was it not fairly obvious that a peaceful solution was impossible?

"Answer: 'Yes, it seemed impossible after my conviction.'"

I think that must be a bad translation -- "according to my conviction."

THE PRESIDENT: Yes.

MR. GRIFFITH-JONES: (continuing) "'but not according to the convictions of the Fuehrer. When it was mentioned to the Fuehrer that England had given her guarantee to Poland, he said that England was also guaranteeing Rumania, but then when the Russians took Bessarabia nothing happened, and this made a big impression on him. I made a mistake here. At this time Poland only had the promise of a guarantee. The guarantee itself was only given shortly before the beginning of the war. On the day when England gave her official guarantee to Poland the Fuehrer called me on the telephone and told me that he had stopped the planned invasion of Poland. I asked him then whether this was just temporary or for good. He said, "No, I will have to see whether we can eliminate British intervention." So then I asked him, "Do you think that it will be any different within four or five days?" At this same time -- I don't know whether you know about that, Colonel -- I was

H0016-0059

in connection with Lord Halifax by a special courier outside the regular diplomatic channels to do everything to stop war with England. After the guarantee I held an English declaration of war inevitable. I already told him in the Spring of 1939 after occupying Czechoslovakia, I told him that from now on if he tried to solve the Polish question he would have to count on the enmity of England. 1939, that is after the Protectorate.

"Question: 'Is it not a fact that preparations for the campaign against Poland were originally supposed to have been completed by the end of August 1939?

"Answer: 'Yes.

"And that the final issuance of the order for the campaign against Poland came some time between the 15th and 20th of August 1939 after the signing of the treaty with Soviet Russia?" -- The dates obviously are wrong there.

"Answer: 'Yes, that is true.

"Question: 'Is it not also a fact that the start of the campaign was ordered for the 25th of August, but on the 24th of August in the afternoon it was postponed until September the 1st in order to await the results of new diplomatic maneuvers with the English Ambassador?

"Answer: 'Yes.'"

My only comment upon that document is in respect to the second paragraph, where Goering is purporting not to want war with England. The Court will remember how, after the famous speech on the 22nd of August to his commanders-in-chief, Goering got up and thanked the Fuehrer for his exhortation and assured him that the armed forces would play their part.

I omit the next document in the document book, which carries the matter a little further, and we go on to Hitler's verbal communique, as it is called in the British Blue Book, that he handed to Sir Nevile Henderson on the 25th of August, after he had heard of the signing of the Anglo-Polish agreement, in an endeavor to keep England from meeting her obligations. He states, in the first paragraph, after hearing the

H0016-0060

British Ambassador he is anxious to make one more effort to save war. In the second paragraph he asserts again that Poland's provocations were unbearable, and I quote paragraph 2:

"Germany was in all circumstances determined to abolish these Macedonian conditions on her eastern frontier and, what is more, to do so in the interests of quiet and order, but also in the interests of European peace.

"The problem of Danzig and the Corridor must be solved. The British Prime Minister had made a speech which was not in the least calculated to induce any change in the German attitude. At the most, the result of this speech could be a bloody and incalculable war between Germany and Poland."

THE PRESIDENT: (interposing) And England.

MR. GRIFFITH-JONES: I beg your pardon -- "and England. Such a war would be bloodier than that of 1914 to 1918. In contrast to the last war, Germany would no longer have to fight on two fronts." One sees the threats -- veiled threats -- appearing in this paragraph. "Agreement with Russia was unconditional and signified a change in foreign policy of the Reich which would last a very long time. Russia and Germany would never again take up

H0016 - 0061

arms against each other. Apart from this, the agreements reached with Russia would also render Germany secure economically for the longest period of war."

The Fuehrer had always wanted Anglo-German understanding. War between England and Germany could at best bring some profit to Germany but none at all to England.

Then we come to the bribe. "The Fuehrer declared the German-Polish problem must be solved and will be solved. He is however prepared and determined after the solution of this problem to approach England once more with a large, comprehensive offer. He is a man of great decisions, and in this case also he will be capable of being great in his action. And then magnanimously he accepts the British Empire and is ready to pledge himself personally for its continued existence and to place the power of the German Reich at its disposal on condition that his colonial demands, which are limited, should be negotiated by peaceful means." Obligations to Italy remain untouched.

Again he stresses irrevocable determination never to enter into war with Russia. I quote the last two paragraphs:

"If the British Government would consider these ideas a blessing for Germany --

THE PRESIDENT: Why don't you read the first few lines of paragraph three?

MR. GRIFFITH-JONES: Yes; I did summarize it, paragraph three. He also desired to express the irrevocable determination of Germany and never again to enter into conflict with Russia.

THE PRESIDENT: Yes.

MR. GRIFFITH-JONES: I quote the last two paragraphs.

"If the British Government would consider these ideas a blessing for Germany and also for the British empire, a peace might result. If it rejects these ideas there will be war. In no case will Great Britain emerge stronger; the last war proved it. The Fuehrer repeats that he himself is a man of ad infinitum decisions by which he is bound, and that this is his last offer."

(A recess was taken from 1505 to 1525 hours.)

H0016 - 0062

MR. GRIFFITH-JONES: I had just finished reading the offer to the British Government which was TC 72, No. 68, and which is G.B.65.

The British Government were not of course aware of the real object that lay behind that message, and taking it at its face value wrote to enter into discussions. And they wrote back on the 28th of August saying that they were prepared to enter into discussions. They agreed with Hitler that the differences must be settled, and I quote from paragraph four:

"In the opinion of His Majesty's Government a reasonable solution of the differences between Germany and Poland could and should be effected by agreement between the two countries on lines which would include the safeguarding of Poland's essential interests, and they recall that in his speech of the 28th of April the German Chancellor recognized the importance of these interests to Poland.

"But as was stated by the Prime Minister in his letter to the German Chancellor of the 22nd of August, His Majesty's Government consider it essential for the success of the discussions which would precede the agreement that it should be understood beforehand that any settlement arrived at would be guaranteed by other powers. His Majesty's Government would be ready if desired to make their contribution to the effective operation of such a guarantee."

I go to the last paragraph on that page, paragraph six. "His Majesty's Government have said enough to make their own attitude plain in the particular matters at issue between Germany and Poland. They trust that the German Chancellor will not think that, because His Majesty's Government are scrupulous concerning their obligations to Poland, they are not anxious to use all their influence to assist the achievement of a solution which may command itself both to Germany and to Poland." That of course knocked the German hopes on the head. They had failed by their tricks and their bribes to dissuade England from observing her obligations to Poland, and it was now only a matter of getting out of their embarrassment as quickly as possible and saving their face as much as possible. The last document becomes G.B.66. And I put in also Sir Neville Henderson's account of that interview, T.C. No. 75, which becomes G.B. 67.

H0016 - 0063

During that interview the only importance of it is that Sir Neville Henderson emphasized the British attitude, and that they were determined in any event to meet their obligations to Poland. One paragraph I would quote, which is interesting in view of the letters that were to follow. Paragraph ten.

"In the end I asked him two straight questions: Was he willing to negotiate direct with the Poles? and; Was he ready to discuss the question of an exchange of population? He replied in the affirmative as regards the latter. There I have no doubt that he was thinking at the same time of a rectification of frontiers. As regards to the first, he said he could not give me an answer until after he had given the reply of His Majesty's Government the careful consideration which such a document deserved. In this connection he turned to Ribbentrop and said, 'We must summon Field Marshal Goering to discuss it with him.'"

Then in the next paragraph again Sir Neville Henderson finally repeated to him very solemnly the main note of the whole conversation, so far as he was concerned.

I pass to the next document, which is T.C. 72, No. 78, which becomes G.B. 68

H0016 - 0064

The German reply, as I outlined before, was handed to Neville Henderson at 7.15 P.M. on the 29th of August. The reply sets out the suggestion submitted by the British Government in a previous note and it goes on to say that the German Government are prepared to enter into discussion on the basis that the whole of the Corridor as well as Danzig are returned to the Reich. I quote particularly the next to the last paragraph on the first page of that Document:

"The demands of the German Government are in conformity with the revision of the Versailles Treaty in regard to this territory which has always been recognized as being necessary; viz., return of Danzig and the Corridor to Germany, the safeguarding of the existence of the German national group in the territories remaining to Poland."

It is only just now, as I emphasized before, that that right has been recognized for so long. On the 28th of April, his demands consisted only of Danzig, of Autobahn, and of the railway.

The Tribunal will remember in the matter of which he is trying to get out of now, trying to manufacture justification, putting forth proposals which under no circumstances could either Poland or Great Britain accept, but as I said before, he wanted to make doubly certain.

I go to the second page, half-way down the page. Perhaps I better start with the third paragraph:

"The British Government attach importance to two considerations: (1) that the existing danger of an imminent explosion should be eliminated as quickly as possible by direct negotiation, and (2) that the existence of the Polish State, in the form in which it would then continue to exist, should be adequately safeguarded in the economic and political sphere by means of international guarantees.

"On this subject, the German Government makes the following declaration.

"Though sceptical as to the prospects of a successful outcome, they are nevertheless prepared to accept the English proposal and to enter into direct discussions. They do so, as has already been emphasized, salely

H0016-0065

as the result of the impression made upon them by the written statement received from the British Government that they too desire a pact of friendship in accordance with the general lines indicated to the British Ambassador.

And then to the last but one paragraph:

"For the rest, in making these proposals the German Government have never had any intention of touching Poland's vital interests of questioning the existence of an independent Polish State. The German Government, accordingly, in these circumstances agree to accept the British Government's offer of their good offices in securing the despatch to Berlin of a Polish Emissary with full powers. They count on the arrival of this Emissary on Wednesday, the 30th August, 1939.

"The German Government will immediately draw up proposals for a solution acceptable to themselves and will, if possible, place these at the disposal of the British Government before the arrival of the Polish negotiators."

That was at 7.15 in the evening of the 29th of August, And as I have explained, it allowed little time in order to get the Polish Emissary there by midnight the following night. That Document was GB 68.

The next document, Neville Henderson's account of the interval summarises what had taken place, and I quote particularly paragraph four:

"I remarked that this phrase sounded like an ultimatum, but after some heated remarks both Herr Hitler and Herr von Ribbentrop assured me that it was only intended to stress urgency of the moment when the two fully mobilized armies were standing face to face." That was the interval on the evening of the 29th August. That last Document becomes GB 69.

Again the British Government replied and Sir Neville Henderson handed this reply to Ribbentrop at the famous meeting on the midnight of the 30th of August, at the time the Polish Emissary had been expected. I need not read at length. The British Government reciprocated the desire for improved relations. They stress again that they cannot sacrifice their interest to other friends in order to obtain an improvement in the

H0016-0066

situation. They understand, they say, that the German Government accepts the condition that the settlement should be subject to international guarantee. They make a reservation as to the demands that the Germans put forward in their last letter and they are informing the Polish Government immediately; and lastly, they understand that the German Government are drawing up the proposals. That document, the account of the interview at midnight on the 30th of August, will be GB 70. I beg your pardon. That is the actual Document that Sir Neville Henderson handed to Ribbentrop at that interview. For the account of the interview, we go to the next Document in the Tribunal's book, TC 72, Number 92, which becomes GB 71. It is not a very long Document. It is perhaps worth reading in full.

"I told Herr von Ribbentrop this evening that His Majesty's Government found it difficult to advise Polish Government to accept procedure adumbrated in German reply, and suggested that he should adopt normal contact. i.e., that when German proposals were ready to invite Polish Ambassador to call and to hand him proposals for transmission to his Government with a view to immediate opening of negotiations. I added that if basis afforded prospect of settlement His Majesty's Government could be counted upon to do their best in Warsaw to temporize negotiations

"Herr von Ribbentrop's reply was to produce a lengthy document which he read out in German aloud at top speed. Imagining that he would eventually hand it to me I did not attempt to follow too closely the sixteen or more articles which ti contained. Though I cannot therefore guarantee accuracy the main points were:" and I need not read out the main points. I go to paragraph three.

"When I asked Herr von Ribbentrop for text of these proposals in accordance with undertaking the German reply of yesterday, he asserted that it was now too late as Polish representative had not arrived in Berlin by midnight.

"I observed that to treat matter in this way meant that request for Polish representative to arrive in Berlin on 30th August constituted in

H0016 – 0067

fact, an ultimatum in spite of what he and Herr Hitler had assured me yesterday. This he denied, saying that idea of an ultimatum was figment of my imagination. Why then I asked could he not adopt normal

H0016 - 0068

procedure and give me copy of proposals and ask Polish Ambassador to call on him, just as Herr Hitler had summoned me a few days ago, and hand them to him for communication to Polish Government? In the most violent terms Herr von Ribbentrop said that he would never ask the Ambassador to visit him. He hinted that if Polish Ambassador asked him for interview it might be different. I said that I would naturally inform my Government so at once. Whereupon he said while those were his personal views he would bring all that I had said to Herr Hitler's notice. It was for Chancellor to decide.

"We parted on that note, but I must tell you that Herr von Ribbentrop's demeanor during an unpleasant interview was aping Herr Hitler at his worst. He inveighed incidentally against Polish mobolisation, but I retorted that it was hardly surprising since Germany had also mobilised as Herr Hitler himself had admitted to me yesterday."

Nevertheless, Neville Henderson didn't know at that time that Germany had also already given the orders to attack Poland some days before. The following day, the 31st of August, at 6:30 in the evening, Herr Lipski, the Polish Ambassador, had an interview with Ribbentrop. This Document, the next Document TC 74, No. 112, becomes GB 72, and is a short account:

"I carried out my instructions. M. von Ribbentrop asked if I had special plenipotentiary powers to undertake negotiations. I said no. He then asked whether I had been informed that on London's suggestion the German Government had expressed their readiness to negotiate directly with a delegate of the Polish Government, furnished with the requisite full powers, who was to have arrived on the preceding day, August 30. I replied that I had no direct information on the subject. In conclusion M. von Ribbentrop repeated that he had thought I would be empowered to negotiate. He would communicate my demarche to the Chancellor."

As I indicated already, it was too late. The orders had already been given on that day to the German Army to invade.

I turn to C 126. It is already in as GB 45. Other portions of it were put in, and I refer now to the letter on the second page for the order "Most Secret order." It is signed by Hitler and is described as his "Direction

H0016-0069

No. 1 for the conduct of the war," dated 31st of August, 1939. Paragraph one:

"Now that all the political possibilities of disposing by peaceful means of a situation of the Eastern Frontier which is intolerable for Germany are exhausted, I have determined on a solution by force.

"The attack on Poland is to be carried out in accordance with the preparations made for 'Fall Weiss', with the alterations which result, where the Army is concerned, from the fact that is has in the meantime almost completed its dispositions.

"Allotment of tasks and the operational target remain unchanged.

"Date of attack - 1 September 1939
Time of attack - 04:45 (inserted in red pencil)

"This time also applies to the operation at Gdynia, Bay of Danzig and the Dirschau Bridge.

"In the West it is important that the responsibility for the opening of hostilities should rest unequivocally with England and France. At first purely local action should be taken against insignificant frontier violations."

There it sets out the details of the order which, for the purpose of this Court, it is unnecessary to read. That evening, at nine o'clock, the German radio broadcast the terms of the German proposals about which they were so willing to enter into discussions with the Polish Government. It sets out the proposals at length. It will be remembered that by this time, neither Sir Neville Henderson nor the Polish Government, nor their Ambassador had yet been given their written copy of them, and it is indeed a document which is interesting to read, or to read extracts of it simply as an exhibition or an example of pure hypocrisy. I refer to the second paragraph. Further, the German Government pointed out that they felt able to make the basic points regarding the offer of an understanding available to the British Government by the time the Polish negotiator arrived in Berlin.

Now, we have heard the manner in which they did that. They then say that instead of the arrival of an authorized Polish personage, the first answer the Government of the Reich received to their readiness for an understanding was the news of the Polish mobilization, and only toward twelve o'clock on the

H0016 – 0070

night of the 12th of August, 1939, did they receive a somewhat general assurance of British readiness to help towards the commencement of negotiations. Although the fact of the Polish negotiator expected by the Reich did not arrive, removed the necessary conditions for informing His Majesty's Government for the views of the German Government as regards the possible basis for negotiation. Since His Majesty's Government themselves had pleaded for direct negotiations between Germany and Poland, the German Minister for Foreign Affairs, Ribbentrop, gave the British Ambassador on the occasion of the presentation of the last British note, precise information as to the text of the German proposals which will be regarded as a basis for negotiation in the event of the arrival of the Polish Plenipotentiary. And thereafter they go on to set out the story, or rather their version of the story of the negotiations over the last few days.

H0016-0071

I pass to the next document in the Tribunal's book, back to the document TC 54, which becomes GB 73. On the 1st of September, when his armies were already crossing the frontier and the whole of the frontier, he issued this proclamation to his Armed Forces:

"The Polish Government, unwilling to establish good neighborly relations as aimed at by me, wants to force the issue by way of arms.

"The Germans in Poland are being persecuted with bloody terror and driven from their homes. Several acts of frontier violation which cannot be tolerated by a great power show that Poland is no longer prepared to respect the Reich's frontiers. To put an end to these mad acts I can see no other way but from now onwards to meet force with force.

"The German Armed Forces will with firm determination take up the struggle for the honor and the vital rights of the German people.

"I expect every soldier to be conscious of the high tradition of the eternal German soldierly qualities and to do his duty to the last.

"Remember always and in any circumstances that you are the representatives of National Socialist Greater Germany.

"Long live our people and the Reich."

And so we see that at last Hitler had kept his word to his generals. He had afforded them their propagandistic justification, and at that time, anyway, it didn't matter what people said about it afterwards. "The view shall not appear, asked later on, whether we told the truth or not. Might is what counts -- or victory is what counts and not right."

On that day, the 1st of September, when news came of this invasion of Polish ground, the British Government, in accordance with their Treaty of Legations, sent an ultimatum to the German Government, in which they stated that unless the German -- I quote from the last paragraph:

"I am accordingly to inform your Excellency that unless the German Government are prepared to give His Majesty's Government satisfactory

H0016 - 0072

assurances that the German Government have suspended all aggressive action against Poland and are prepared promptly to withdraw their forces from Polish territory, His Majesty's Government in the United Kingdom will without hesitation fulfil their obligations to Poland."

By the 3rd of September another withdrawal had taken place, and so at nine o'clock -- the document I have just referred to will be GB 74 -- at nine o'clock on the 3rd of September a final ultimatum was handed to the German Minister of Foreign Affairs. I quote from the third paragraph.

"Although this communication was made more than twenty-four hours ago, no reply has been received but German attacks upon Poland have been continued and intensified. I have accordingly the honor to inform you that, unless not later than eleven o'clock, British Summer Time, today 3rd September, satisfactory assurances to the above effect have been given by the German Government, and have reached His Majesty's Government in London, a state of war will exist between the two countries as from that hour."

And so it was that at eleven o'clock on the 3rd of September a state of war existed between Germany and England and between Germany and France. It all appeals to peace. It all appeals to reason. We now see completely stillborn, stillborn when they were made, plans, preparations, intentions, determination to carry out this assault upon Poland had been going on for months, for years before. It mattered not what anybody but the German Government had in mind or whatever rights anybody else but the German nation thought they had, and if there is any doubt left at all after what we have seen, I would ask you to look at two more documents.

If you would look at the last document first of all in your document book, PS 1831, which becomes GB 75. Even now on the 3rd of September Mussolini offers some chance of peace.

We have here a telegram. It is timed 6:30 hours, and I'm afraid I'm unable to say whether that is 6:30 in the morning or the evening, but it is dated the 3rd of September, and I quote:

H0016 – 0073

"The Italian Ambassador handed to the State Secretary at the Duce's order following copy for the Fuehrer and Reich Chancellor and for the Reich Minister for Foreign Affairs:

"Italy sends the information, leaving, of course, every decision to the Fuehrer, that it still has a chance to call a conference with France, England and Poland on following basis: 1. Armistice which would leave the Army Corps where they are at present." And it will be read that on the 3rd of September they had advanced a considerable way over the frontier. "2. Calling the conference within two or three days. 3. Solution of the Polish-German controversy which would be certainly favorable for Germany as matters stand today.

"This idea which originated from the Duce has its foremost exponent in France.

"Danzig is already German and Germany is holding already securities which guarantee most of her demands. Besides, Germany has had already its 'moral satisfaction.' If it would accept the plan for a conference, it will achieve all her aims and at the same time prevent a war which already today has the aspect of being universal and of extremely long duration."

But, My Lord, perhaps even Mussolini did not appreciate what all Germany's aims were and, of course, the

H0016 - 0074

offer was turned down in the illuminating letter which Hitler was to write in reply. I refer you back to the document before that. That will be GB-76. I beg your pardon, it's still part of the same exhibit GB 75.

"Duce:

"I first want to thank you for your last attempt at a mediation."

THE PRESIDENT: As I understand it, the "GB" references you give are not on the documents at all; they are the exhibits themselves, which are to be put on the document after they have been put in.

MR. GRIFFITH JONES: Yes. That is correct. They will be put in by the Court, of course.

THE PRESIDENT: You will try to make clear the references which are on the document so that the Tribunal could find the document itself?

MR. GRIFFITH JONES. Yes. The last document was PS 1831, and it's the very last one in the document book. That's the one I've just referred to--the telegram from Mussolini. The document to which I am about to refer to is the one but last in the Tribunal's book but it has the same number on it as the last because it forms part of the same exhibit.

THE PRESIDENT: I think if you'll just explain the system in which the exhibits are numbered it would help some.

MR. GRIFFITH JONES: The exhibits are numbered at the present moment before they are put in evidence with a variety of serial numbers, such as "PC", "PS", and "L" and other letters. There's no significance attached to that at all. It depends on who they have been found by and what files they have come from. When the documents are put in as exhibits, they are marked by the court with a court number. The documents are put in by the United States representatives prefixed with the letters "US". The documents which have been put in by the British prosecutors have all been prefixed with the letters "GB". If it would be of any assistance to members of the Tribunal I will have their document books marked up this evening with the new court numbers that have been put upon them by the court officials during the course of the day.

H0016 - 0075

THE PRESIDENT: We'll talk about that later.

MR. GRIFFITH JONES: If there is any document missing from any of those books I have a copy.

THE PRESIDENT: You are going to read PS 1831?

MR. GRIFFITH JONES: Yes, that is GB 75.

"Duce:

"I first want to thank you for your last attempt at mediation. I would have been ready to accept, but only under condition, that there would be a possibility to give me certain guarantees that the conference would be successful. Because, for the last two days the German troops are engaged in an extraordinarily rapid advance in Poland. It would have been impossible to devaluate the bloody sacrifices made thereby by diplomatic intrigues. Nevertheless, I believe that a way could have been found, if England would not have been determined to wage war under all circumstances. I have not given in to the English, because, Duce, I do not believe that peace could have been maintained for more than one-half year or one year. Under these circumstances, I thought that, in spite of everything, the present moment was better for resistance. At present, the superiority of the German armed forces in Poland is so overwhelmning in all fields that the Polish Army will collapse in a very short time. I doubt whether this fast success would be achieved in one or two years. England and France would have armed their allies, to such an extent that the crushing technical superiority of the German Armed Forces could not have become so apparent anymore. I am aware, Duce, that the fight which I enter, is one for life and death. My own fate does not play any role in it at all. But I am also aware that one cannot avoid such a struggle permanently and that one has to choose after cold deliberation the moment for resistance in such a way that the probability of the success is guaranteed and I believe in this success, Duce, with the firmness of a rock. Recently you have given me the kind assurance that you think you will be able to help me in a few fields. I acknowledge this in advance with sincere thanks. But I believe also - even if we march now over different roads -

H0016 - 0076

that fate will finally join us. If the National Socialistic Germany were destroyed by the Western democracies, the Fascist Italy would also have to face a grave future. I was personally always aware of this community of the future of our two governments and I know that you, Duce, think the same way. To the situation in Poland, I would like to make the brief remark that we lay aside, of course, all unimportant things, that we do not waste any man in unimportant tasks, but direct all on acts in the light of great operational considerations. The Northern Polish Army which is the Corridor, has already been completely encircled by our action. It will be either wiped out or will surrender. Otherwise, all operations proceed according to plan. The daily achievements of the troops are far beyond all expectations. The superiority of our air force is complete, although scarcely one-third of it is in Poland. In the West I will be on the defensive. France can here sacrifice its blood first. Then the moment will come when we can confront the enemy also there with the full power of the nation. Accept my thanks, Duce, for all your assistance which you have given to me in the past and I ask you not to deny it to me in the future."

H0016 - 0077

MR. GRIFFITH-JONES (continuing): That completes the evidence which I propose to offer upon this part of the case in respect of the war of aggression against Poland, England and France which is charged in Count 2.

MR. ELWYN JONES: May it please the Tribunal, in the early hours of the morning of 9th April 1940 Nazi Germany invaded Norway and Denmark. It is my duty to present to the Tribunal the Prosecution's evidence upon those invasions, which has been prepared in collaboration with my American colleague Major Hinely with regard to these brutal wars of aggression, which were also wars in violation of international treaties, agreements and assurances. With the Court's permission I would like, first of all, to deal with the treaties and agreements and assurances that were in fact violated by these two invasions of Norway and Denmark.

The invasions were, of course, in the first instance, violations of the Hague Convention and of the Kellogg-Briand Pact. My learned friend Sir David Maxwell-Fyfe has already dealt with those matters in the course of his presentation of the evidence, but in addition to these general treaties there were specific agreements between Germany and Norway and Denmark. In the first instance there was the Treaty of Arbitration and Conciliation between Germany and Denmark, which was signed at Berlin on 2nd June, 1926. The Court will find that Treaty, TC-17, on the first page of British Document Book No. 3, and to that exhibit it may be convenient to give the number GB-76. I am only proposing to read the first Article of that Treaty, which is in these terms.

"The Contracting Parties undertake to submit to the procedure of arbitration or conciliation, in conformity with the present Treaty, all disputes of any nature whatsoever which may arise between Germany and Denmark and which it has not been possible to settle within a reasonable period by diplomacy or to bring with the consent of both Parties before the Permanent Court of International Justice.

H0016 - 0078

"Disputes for the solution of which a special procedure has been laid down in other Conventions in force between the Contracting Parties shall be settled in accordance with the provisions of such Conventions."

Then there follows in the remaining Articles the establishment of the machinery for arbitration.

I would next refer to the treaty of Non-Aggression between Germany and Denmark which was signed by the Defendant Ribbentrop on 31st May, 1939, which, as the Tribunal will recollect, was ten weeks after the Nazi seizure of Czechoslovakia. The Court will find that as Exhibit TC-24 in the Document Book and it will now bear the exhibit number GB-77.

THE PRESIDENT: Does that follow the last treaty?

MR. ELWYN JONES: That follows the last treaty, My Lord.

With the Court's permission, in view of the identity of the signatory of that treaty, I would like to read the preamble and Articles 1 and 2.

"His Majesty the King of Denmark and Iceland and the Chancellor of the German Reich,

"Being firmly resolved to maintain peace between Denmark and Germany in all circumstances, have agreed to confirm this resolve by means of a treaty and have appointed as their Plenipotentiaries: His Majesty the King of Denmark and Iceland and the Chancellor of the German Reich."

Article I reads as follows.

"The Kingdom of Denmark and the German Reich shall in no case resort to war or to any other use of force one against the other.

"Should action of the kind referred to in Paragraph 1 be taken by a third Power against one of the Contracting Parties, the other Contracting Party shall not support such action in any way."

Article II then deals with the ratification of the treaty, and the second paragraph states:

H0016 - 0079

"The Treaty shall come into force on the exchange of the instruments of ratification and shall remain in force for a period of ten years from that date." And as the Tribunal will observe that is dated 31st May, 1939. At the bottom of the page there appears the signature of the Defendant Ribbentrop. The Tribunal will shortly see that less than a year after the signature of this treaty the invasion of Denmark by the Nazi forces was to show the utter worthlessness of treaties to which the Defendant Ribbentrop put his signature.

With regard to Norway, the Defendant Ribbentrop and the Nazi conspirators were party to a similar perfidy. In the first instance I would refer to Exhibit TC-30, which is the next document in the British Document Book 3, and which will bear the exhibit number GB-78. The Tribunal will observe there the assurance given to Denmark, Norway and the Netherlands on 28th April, 1939. That, of course, was after the annexation of Czechoslovakia had shaken the confidence of the world, and this was presumably an attempt, now submitted by the Prosecution to have been a dishonest attempt, to try to reassure the

H0016 - 0080

Scandinavian States. That is in these terms. It is a speech by Hitler and states:

"I have given binding declarations to a large number of States. None of these States can complain that even a trace of a demand contrary thereto has ever been made to them by Germany. None of the Scandinavian statesmen, for example, can contend that a request has ever been put to them by the German Government or by the German public opinion which was incompatible with the sovereignty and integrity of their State.

"I was pleased that a number of European States availed themselves of these declarations by the German Government to express and emphasize their desire too for absolute neutrality. This applies to Holland, Belgium, Switzerland, Denmark, et cetera".

A further assurance was given by the Nazi Government on 2 September 1939, which, as the Tribunal will recollect, was the day after the Nazi invasion of Poland. The Court will observe the next document in British Document Book 3, Exhibit TC-31, which would be GB Exhibit 79. That is an aidememoire that was handed to the Norwegian Foreign Minister by the German Minister in Oslo on 2 September 1939. It reads:

"The German Reich Government is determined, in view of the friendly relations which exist between Norway and Germany, under no circumstances to prejudice the inviolability and integrity of Norway and to respect the territory of the Norwegian State. In making this declaration the Reich Government naturally expects, on its side, that Norway will observe an unimpeachable neutrality towards the Reich and will not tolerate any breaches of Norwegian neutrality by any third party which might occur. Shoud the attitude of the Royal Norwegian Government differ from this so that any such breach of neutrality by a third party recurs, the Reich Government would then obviously be compelled to safeguard the interests of the Reich in such a way as the resulting situation might dictate."

There follows finally a further German assurance to Norway, which appears as the next document in the book, TC-32, which would be Exhibit GB-80. That is a speech by Hitler on the 6 October 1939, and if the Court will observe paragraph 2 at the top of the page, the extract from the

H0016-0081

speech reads as follows:

"Germany has never had any conflicts of interest or even points of controversy with the Northern States; neither has she any today. Swedon and Norway have both been offered non-aggression pacts by Germany and have both refused them solely because they do not feel themselves threatened in any way."

Those are clear and positive assurances which Germany gave. The Court will see that violation of those assurances is charged in paragraph 22 of Appendix C of the Indictment, at page 43. The Court will notice that there is a minor typographical error in the date of the first assurance, which is alleged in the indictment to have been given on the 3 September 1939. The Court will see from Exhibit TC-32, which is GB-79, that the assurance was in fact given on 2 September 1939.

Now, those treaties and assurances were the diplomatic background to the brutal Nazi aggression on Norway and Denmark, and the evidence which the Prosecution will now place before the Court will in my submission establish beyond reasonable doubt that these assurances were simply given to lull suspicion and cause the intended victims of Nazi aggression to be unprepared to meet the Nazi attack. For we now know that as early as October 1939 these conspirators and their confederates were plotting the invasion of Norway, and the evidence will indicate that the most active conspirators in that plot were the Defendants Raeder and Rosenberg.

The Norwegian invasion is in one respect not a typical Nazi aggression, in that Hitler had to be persuaded to embark upon it. The chief instruments of persuasion were Raeder and Rosenberg; Raeder because he thought Norway strategically important and because he coveted glory for his Navy; Rosenberg because of his political connections in Norway which he sought to develop.

As the Tribunal will shortly see, in the Norwegian Vidkund Quisling the Defendant Rosenberg found a very model of the Fifth Column agent, the very personification of perfidy.

H0016 - 0082

The evidence as to the early stages of the Nazi conspiracy to invade Norway is found in a letter which the Defendant Raeder wrote on the 10th January 1944 to Admiral Assmann, the official German Naval historian.

I put in this letter, which is C-66, and which the Court will find further on in this book of documents, I should explain that in this book of documents the documents are inserted in the numerical order of the series to which they belong and not in order of their submission to the Court. I am trusting that that will be a more convenient form of bundling them together than to set them down in the order of presentation. That would be Exhibit GB-81.

THE PRESIDENT: 66?

MR. ELWYN JONES: C-66. It is headed "Memorandum for Admiral Assmann for his own information; not to be used for publications."

The Court will observe that the first page deals with Barborossa. If the Tribunal turns to the next page, headed "(b) Weser-Ubung," the Tribunal will find from documents which I shall shortly be submitting to the Court, that Weser-Ubung was the code name for the invasion of Norway and Denmark.

I will omit the first sentence. The document,

H0016 - 0083

which, as I have said, is a communication from the Defendant Raeder to Assmann, reads as follows:

"During the weeks preceding the report on the 10th of October, 1939, I was in correspondence with Admiral Carls, who, in a detailed letter to me, first pointed out the importance of an occupation of the Norwegian coast by Germany. I passed this letter on to C/SKl for their information" -- which is the Chief of Staff of the Naval War Staff -- "and prepared some notes based on this letter for my report to the Fuehrer, which I made on the 10th of October, 1939, since my opinion was identical with that of Admiral Carls, while at that time, SKl was more dubious about the matter. In these notes, I stressed the disadvantages which an occupation of Norway by the British would have for us - control of the approaches to the Baltic, outflanking of our naval operations and of our air attacks on Britain, pressure on Sweden. I also stressed the advantages for us of the occupation of the Norwegian coast - outlet to the North Atlantic, no possibility of a British mine barrier, as in the year 1917-18. Naturally at the time, only the coast and bases were considered; I included Narvik, though Admiral Carls, in the course of our correspondence thought that Narvik could be excluded. The Fuehrer saw at once the significance of the Norwegian problem; he asked me to leave the notes and stated that he wished to consider the question himself."

I will pause in the reading of that document at that point and return to it later, so that the story may be revealed to the Court in a chronological order.

That report of Raeder, in my submission, shows that the whole evolution of this Nazi campaign against Norway affords a good example of the participati of the German High Command in the Nazi conspiracy to attack inoffensive neighbors.

This letter, an extract from which I have just read, has revealed that Raeder reported to Hitler on the 10th of October, 1939 --

THE TRIBUNAL: (Mr. Biddle): When was that report?

MR. ELWYN JONES: This report was made in January 1944 by the Defendant Raeder to Assmann, who was the German Naval historian, and so presumably was

H0016-0084

which, as I have said, is a communication from the Defendant Raeder to Assmann, reads as follows:

"During the weeks preceding the report on the 10th of October, 1939, I was in correspondence with Admiral Carls, who, in a detailed letter to me, first pointed out the importance of an occupation of the Norwegian coast by Germany. I passed this letter on to C/SKl for their information" -- which is the Chief of Staff of the Naval War Staff -- "and prepared some notes based on this letter for my report to the Fuehrer, which I made on the 10th of October, 1939, since my opinion was identical with that of Admiral Carls, while at that time, SKl was more dubious about the matter. In these notes, I stressed the disadvantages which an occupation of Norway by the British would have for us - control of the approaches to the Baltic, outflanking of our naval operations and of our air attacks on Britain, pressure on Sweden. I also stressed the advantages for us of the occupation of the Norwegian coast - outlet to the North Atlantic, no possibility of a British mine barrier, as in the year 1917-18. Naturally at the time, only the coast and bases were considered; I included Narvik, though Admiral Carls, in the course of our correspondence thought that Narvik could be excluded. The Fuehrer saw at once the significance of the Norwegian problem; he asked me to leave the notes and stated that he wished to consider the question himself."

I will pause in the reading of that document at that point and return to it later, so that the story may be revealed to the Court in a chronological order.

That report of Raeder, in my submission, shows that the whole evolution of this Nazi campaign against Norway affords a good example of the participati of the German High Command in the Nazi conspiracy to attack inoffensive neighbors.

This letter, an extract from which I have just read, has revealed that Raeder reported to Hitler on the 10th of October, 1939 --

THE TRIBUNAL: (Mr. Biddle): When was that report?

MR. ELWYN JONES: This report was made in January 1944 by the Defendant Raeder to Assmann, who was the German Naval historian, and so presumably was

H0016 - 0085

for the purposes of history.

Before this report of October 1939 was made to the Fuehrer, Raeder got a second opinion on the Norwegian invasion. On the 3rd of October, Raeder made out the questionnaire to which I now invite the Court's attention. It is C-122, and the Court will find it next but one to C-66 in the document book. That will now be GB-82.

That, as the Tribunal will observe, is headed "Gaining of Bases in Norway, (extract from War Diary)" and bears the date of the 3rd of October 1939. It reads:

"The Chief of the Naval War Staff considers it necessary that the Fuehrer be informed as soon as possible of the opinions of the Naval War Staff on the possibilities of extending the operational base to the North. It must be ascertained whether it is possible to gain bases in Norway under the combined pressure of Russia and Germany, with the aim of improving our strategic and operational position. The following questions must be given consideration:

"(a) What places in Norway can be considered as bases?

"(b) Can bases be gained by military force against Norway's will, if it is impossible to carry this out without fighting?

"(c) What are the possibilities of defense after the occupation?

"(d) Will the harbours have to be developed completely as bases, or have they already advantages suitable for supply position?"

Then there follows in parenthesis:

"(F.O.U-boats" -- which is a reference, of course,

H0016 - 0086

to the Defendant Doenitz--"already considers such harbours extremely useful as equipment and supply bases for Atlantic U-boats to call at temporarily.")

And the n Question (e): "What decisive advantages would exist for the conduct of the war at sea in gaining bases in North Denmark, e.g. Skagen?"

There is in our possession a document, which hears the Exhibit Number C-5, to find which it will be necessary for the Court to go back in the document book to the first of the C exhibits. This will be Exhibit GB 83.

This is a memorandum written by the Defendant Doenitz on Norwegian bases, and which presumably relates to the questionnaire of the Defendant Raeder, which, as I have indicated, was in circulation about that time. That document is headed "Flag Officer Submarines, Operations Division," and is marked "Most Secret." The subject is "Base in Norway."

Then there are set out suppositions, advantages and disadvantages, and then conclusions. I am proposing to read the last Paragraph, III:

"The following is therefore proposed:

"(1) Establishment of a base in Trondheim, including:

"a) Possibility of supplying fuel, compressed air, oxygen, provisions.

"b) Repair opportunities for overhaul work after an encounter.

"c) Good opportunities for accommodating U-boat crews.

"d) Flak protection, L.A. armament, petrol and M/S units.

"Secondly, Establishment of the possibility of supplying fuel in Narvik as an alternative."

That is a Doenitz memorandum.

Now, as the Tribunal saw in the report of Raeder to Assmann, in October 1939 Hitler was merely considering the Norwegian aggression and had not yet committed himself to it, although, as the Tribunal will see very shortly, Hitler was most susceptible to any suggestions of aggression of the territory of another country.

H0016 - 0087

The documents will show that the Defendant Raeder persevered in pressing his point of view with regard to Norway, and at this stage he found a powerful ally in the Defendant Rosenberg.

The Nazi employment of traitors and the stimulation of treachery as a political weapon are now unhappily proven historical facts, but should proof be required of that statement it is found in the remarkable document which I now invite the Court to consider. I refer to Exhibit 007-PS, which is after the TC and D series in the document book. That will be Exhibit GB-84.

That is headed on page one, "Brief Report on Activities of the Foreign Affairs Bureau of the Party (Aussenpolitisches Amt der NSDAP) from 1933 to 1943". It reads:

"When the Foreign Affairs Bureau (Aussenpolitsche AMTO was established on the 1st of April 1933, the Fuehrer directed that it should not be expanded to a large bureaucratic agency, but should rather develop its effectiveness through initiative and suggestions.

"Corresponding to the extraordinarily hostile attitude adopted by the Soviet Government in Moscow from the beginning, the newly-established Bureau devoted particular attention to internal conditions in the Soviet Union, as well as to the effects of World Bolshevism primarily in other European countries. It entered into contact with the most variagated groups inclining towards National Socialism in combating Bolshevism, focussing its main attentions on Nations and States bordering on the Soviet Union. On the one hand, those nations and states constituted an Insulating Ring encircling the Bolshevist neighbour; on the other hand they were the laterals of German living space and took up a flanking position towards the Western Powers, especially Great Britain. In order to wield the desired influence by one means or another, --"and the court will shortly see the significance of that phrase"-- "--the Bureau was compelled to use the most varying methods, taking into consideration the completely different living conditions, the ties of blood, intellect and history

H0016 – 0088

of the movements observed by the Bureau in those countries.

"In Scandinavia an outspokenly pro-Anglo-Saxon attitude, based on economic considerations, had become progressively more dominent after the World War of 1914-18. There the Bureau put the entire emphasis on influencing general cultural

H0016-0089

relations with the Nordic peoples. For this purpose it took the Nordic Society in Luebeck under its protection. The Reich conventions of this society were attended by many outstanding personalities, especially from Finland. While there were no openings for purely political co-operation in Sweden and Denmark, an association based on Greater Germanic ideology was founded in Norway. Very close relations were established with its founder, which led to further consequences."

If the Court will turn to the end of the main part of the statement, which is four pages forward -- in the intervening pages I may say there is an account of the activity of Rosenberg's Bureau in various parts of Europe and indeed of the world, which I am not proposing to call the Tribunal's attention to at this stage -- but if the Tribunal will look at the last paragraph of the main body of the report, the last two sentences read:

With the outbreak of war, the Bureau was entitled to consider its task as terminated."

THE PRESIDENT: I have not got the place.

MR. ELVIN JONES: I beg your Lordship's pardon; it is page 4 of the report. It is the page which bears the signature of the Defendant Rosenberg.

"With the outbreak of war it was entitled to consider its task as terminated. The exploitation of the many personal connections in many lands can be resumed under a different guise."

If the Tribunal will turn to the Annex to the document, which is on the next page, the Tribunal will appreciate what the "exploitation of personal connections" involved.

Annex One to the document is headed, "To Brief Report on Activities of the Foreign Affairs Bureau of the Nazi Party from 1933 to 1943." It is headed, "The Political Preparation of the Military Occupation of Norway During the War Years 1939-1940", and it reads:

"As previously mentioned, of all political groupings in Scandinavia only 'Nasjonal Samling' led in Norway by the Former Minister of War and Major of the Reserve, Vidkun Quisling, deserved serious political

H0016 - 0090

attention. This was a fighting political group, possessed by the idea of a Greater Germanic Community. Naturally, all ruling powers were hostile and attempted to prevent, by any means, its success among the population. The Bureau maintained constant liaison with Quisling and attentively observed the attacks he conducted with tenacious energy on the middle class, which had been taken in tow by the English.

"From the beginning, it appeared probable that without revolutionary events, which would stir the population from their former attitude, no successful progress of Nasjonal Samling was to be expected. During the winter 1938-1939, Quisling was privately visited by a member of the Bureau.

"When the political situation in Europe came to a head in 1939, Quisling made an appearance at the convention of the Nordic Society in Luebeck in June. He expounded his conception of the situation, and his apprehensions concerning Norway. He emphatically drew attention to the geopolitically decisive importance of Norway in the Scandinavian area, and to the advantages that would accrue to the power dominating the Norwegian coast in case of a conflict between the Greater German Reich and Great Britain.

"Assuming that his statement would be of special interest to the Marshal of the Reich Goering for aero-strategical reasons, Quisling was referred to State Secretary Koerner by the Bureau. The Staff Director of the Bureau, handed the Chief of the Reich Chancellery a memorandum for transmission to the Fuehrer."

And a later part of the document, which I shall read at a later stage of my presentation of the evidence, if I may, the Court will see how Quisling came into contact with Raeder. The Prosecution's submission with regard to this document is that it is another illustration of the close interweaving between

H0016-0091

between the political and military leadership of the Nazi State, of the close link between the professional soldiers and the professional thugs.

The Defendant Raeder in his report to Admiral Assmann, admitted his collaboration with Rosenberg and I will invite the Court's attention once more to Exhibit C-66, which is Exhibit G.B. 81. In the page headed "Weser-Ubung," the second paragraph of the Raeder report, reads as follows:

"In the further developments, I was supported by Commander Schreiber, Naval Attache in Oslo and the M-Chief personally -- in conjunction with the Rosenberg Organization. Thus, we got in touch with Quisling and Hagelin, who came to Berlin at the beginning of December and were taken to the Fuehrer by me -- with the approval of Reichsleiter Rosenberg."

I will later draw the attention of the Tribunal to the developments in December.

The details of the manner in which the Defendant Raeder did make contact personally with Quisling are not very clear. But I would draw the Court's attention to the Document C-65, which precedes --

THE PRESIDENT: Would you read the end of that paragraph?

MR. ELVYN JONES: With your Lordship's permission, I would like to revert to that in a later stage of my unfolding of the evidence.

In the Document C-65, which will be Exhibit G.B. 85, we have a report of Rosenberg to Raeder, in which the full extent of Quisling's preparedness for treachery and his potential usefullness to the Nazi aggressors was reported and disclosed to the Defendant Raeder.

Paragraph 1 of that report deals with matters I have already dealt with, in reading Rosenberg's statement, 007-PS. But if the Court will look at the second paragraph of Exhibit G.B. 85, C-65, it reads as follows:

H0016-0092

"The reasons for a coup, on which Quisling made a report, would be provided by the fact that the Storthing--" --that is to say the Norwegian Parliament -- "--had, in defence of the constitution, passed a resolution prolonging its own life which is to become operative on January 12th. Quisling still retains in his capacity as a long-standing officer and a former Minister of War, the closest relations with the Norwegian Army. He showed me the original of a letter which he had received only a short time previously from the Commanding Officer in Narvik, Colonel Sunlo. In this letter, Colonel Sunlo frankly lays emphasis on the fact that; if things went on as they were going at present, Norway was finished."

If the Court will turn to the next page of that document, the last two paragraphs, the details of a treacherous plot to overthrow the government of his own country by the traitor Quisling, in collaboration with the Defendant Rosenburg, will be indicated to the Court.

"A plan has been put forward which deals with the possibility of a coup, and which provides for a number of selected Norwegians to be trained in Germany with all possible speed for such a purpose, being allotted their exact tasks, and provided with experienced and die-hard National Socialists, who are practiced in such operations. These trained men should then proceed with all speed to Norway, where details would then require to be further discussed. Some important centres in Oslo would have to be taken over immediately, and at the same time the German Fleet, together with suitable contingents of the German Army, would go into operation when summoned specially by the new Norwegian Government in a specified bay at the approaches to Oslo. Quisling has no doubts that such a coup, having been carried out with instantaneous success -- would immediately bring him theapproval of those sections of the Army with which he at present has connections, and thus it goes without saying that he has never discussed

H0016 - 0093

a political fight with them. As far as the King is concerned, he believes that he would respect it as an accomplished fact."

How wrong Quisling was in that anticipation was shown, of course, by subsequent developments.

The last sentence reads:

"Quisling gives figures of the number of German troops required which accord with German calculations."

The Tribunal may think there are no words in the whole vocabulary of abuse sufficiently strong to describe that degree of treachery.

THE PRESIDENT: Is that document dated?

MR. ELVYN JONES: That document does not bear a date.

THE PRESIDENT: We will take off now.

(Whereupon at 1700 o'clock the Tribunal adjourned to reconvene on 7 December 1945, at 1000 o'clock).